

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 4, 2008, at 9:00 a.m., Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

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

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

Agenda Item No. 4. Recognition: Pam Carter, Department of Human Resources.

On behalf of the Board of Supervisors, Mr. Boyd said he was very pleased to recognize an outstanding achievement by one of the County's employees, Pam Carter.

Ms. Carter, the Occupational Health, Safety & Wellness Manager for Albemarle County, was recently recognized for her efforts in promoting employee safety. The Virginia Municipal League Insurance Programs honored Ms. Carter at its annual meeting held in May. According to the VML award, Ms. Carter has been instrumental in moving Albemarle County's risk management program forward. She has strengthened the County's safety committee and formalized a written safety program. Ms. Carter has made great progress in seeing that workers' compensation claims are reported promptly and that a return to work program is in place.

Ms. Carter has worked with a panel of physicians assigned to the County to be certain each of them understands the County's commitment to safety. Her efforts have resulted in a decrease in work related claims both in number and severity, resulting in a cost savings to the County as well as a safer, more attractive work environment for employees. Ms. Carter's efforts have truly made Albemarle County a better place for our employees, and we very much appreciate her work.

Ms. Carter came forward and Mr. Boyd presented her with an award. Ms. Carter said that without the support and management of Albemarle County, the award would not have been possible.

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

Mr. Boyd suggested that due to time constraints, this item was moved to the end of the agenda. Board members concurred.

Agenda Item No. 6. From the Public: Matters No Listed for Public Hearing on the Agenda.

Mr. Kevin Connally, of Bayer Environmental Science, said that he lives in Ivy and has three sons that have all graduated from Western Albemarle. He works for Bayer Environmental Science, and his job is to train pest management technicians in the safe and proper application of materials to control pests, with the ultimate goal being to protect homes, safety, and well-being. Mr. Connally said that he has concerns with the Safer Chemical Program being considered by the County. The County seems to be losing sight of the ultimate goal of ensuring that schools are safe, healthy environments in which children can learn. He presented a picture of a black widow spider, indicating that they inflict very painful bites with venom that is 15 times more potent than that of a rattlesnake. Mr. Connally said that this past spring Baker Butler School had an infestation of these spiders. He is concerned that the safer chemical proposal is eliminating some very important tools available for the professionals hired to protect children from harmful and dangerous pests. He also presented a picture of a German cockroach, and stated that these pests spread food poisoning and other illnesses, and have been linked to asthma in children. He asked what is the greater risk, the materials that is applied in the backs of cracks and crevices in very low concentrations, as low as .01% concentration, or the risk that can be obtained from insect infestations. Mr. Connally distributed a pamphlet to the Board and quoted the co-founder of Greenpeace – Dr. Patrick Moore – “Agricultural, science and technology have changed our world for the better. Pesticides have played an important role. As we celebrate Earth Day and commit ourselves to a more sustainable future, let's confront activist misinformation and scare tactics by remembering how much we've achieved through the science and agriculture.” Mr. Connally encouraged the Board to protect children in schools and not “tie the hands of professionals” hired to do that job.

Mr. John Martin, a resident of Free Union, spoke in support of substantially verbatim minutes for the Board of Supervisors. Mr. Martin said that in 1999 there was a work session on minimum in-stream flow in the Moorman's River. This was not the first work session, but the RWSA was taking the position that nothing could be done to provide minimum in stream flow for the Moorman's; basically they were saying it was impossible. He indicated that there was a long discussion at this work session (March 3,

1999); the gist and result of which was to ask Rivanna to come in with some constructive ideas. Mr. Martin said that Ms. Thomas made the motion, which Ms. Humphris seconded; the motion was approved unanimously. He stated that by the spring of 2000 nothing had been done and there was no response to the Board from RWSA. Mr. Martin said that he took the minutes to the Rivanna Board meeting on May 22nd and read to the Board verbatim the comments that were made at that work session. He stated that the minutes serve as a “shining sword” that represents the words of the governing body of the County. Mr. Martin reported that RWSA noticed that it had been 14 months, and on August 2, 2000 they came back to the Board of Supervisors with an agreement to release .4 mgd into the Moorman’s River. He added that the minutes of that meeting were also important, as Jack Marshall had said that “the RWSA faces conflicting obligations...it needs to be able to consistently provide water as well as meet its obligations to maintain the ecological health of the region. Historically the first obligation has always taken precedence, however due largely to citizen input the RWSA now sees the need to better balance those obligations. Not every drop of water in the Moorman’s River can be set aside in reserve to avoid conservation measures during a drought. The RWSA has previously been paralyzed by its unwillingness to risk losing water for humans but with the City and County’s willingness to share the risk, the RWSA is willing to add water to the Moorman’s River with the recommendation that when the reservoir drops to 80 percent water to the Moorman’s will be cut off to reduce the risk of running out of water.”

Mr. Martin concluded by saying that the verbatim minutes captured history by reporting “a fundamental change in Rivanna policy.” Summarized minutes would have lost that.

Mr. Greg Wells, a 50 year County resident, spoke on behalf of drafting a safer chemical management procedure. He said that he owns Intrastate Pest Control, which has been in business in Charlottesville for 39 years, and is a second-generation pest control operator and a member of the Virginia and National Pest Management Associations. Mr. Wells said that he and his wife graduated from Albemarle County High School, as did all three of their children, and they are as concerned as anyone about enhancing the quality of life here and protecting natural resources. He stated that the “pests are the real problem here,” and pesticides are just one of the tools to manage and control these threats, adding that they are some of the most stringently tested and regulated products in the world. There is no public health threat from the pesticide use. These pesticides protect us every day as we work and play. Modern product formulation and application techniques such as integrated pest management virtually eliminate any chance of exposure. It is also a protector of public health and property and uses technology to minimize and manage the risk. He said that the modern pest control technician primarily uses base traps and mechanical means to keep pests at bay, and the amount of actual liquid pesticides used is ounces not gallons. Mr. Wells emphasized the importance of pest control in protecting human health as well as building stability, noting that ants and cockroaches can help spread salmonella and termites can cause structural damage. He added that in IPM, chemical control methods are still used, but only after identification of a pest problem and only on an as-needed basis. When chemical control methods are necessary to control pest problems, they only use the least toxic, most effective and most efficient methods available.

Mr. Peter McDunna, Golf Course Superintendent of Keswick Estate, addressed the Board regarding the Safer Chemical Management Program. He said that many of the issues he was concerned with have already been spoken about, but he has a few additional items to mention. Mr. McDunna said that IPM is about identifying the pests and correctly applying pesticides in the right amount at the right time – which is driven by stringent regulations, EPA guidelines, and many tests for public safety. He reported that since 2002 Keswick has been a Certified Audubon Cooperative Sanctuary and they have a tremendous educational program for schools nationwide. Mr. McDonough reported that copperheads are a big issue on turf grass, and two children were bitten this weekend. He also mentioned that grubs are prevalent in this community, and they affect athletic fields, playing conditions, and children’s safety. Mr. McDunna emphasized that the more you provide people with education and training, the less concern there will be about whether the County is doing the right thing regarding chemical applications. He added that chemical reduction safety and outreach are a big part of the Audubon program, and educating people about how to treat certain plants can be done up front.

Ms. Jackie Lombardo, representing FACTS and the Sierra Club, asked that the County adopt “pesticide-free zones” for children, as they are being done successfully around the country. She noted that the Safer Chemical Committee was internal – meaning there were no parents, teachers, students, cafeteria staff, or local community groups represented – and County staff has indicated that this is the most emails ever received on a single issue. Ms. Lombardo noted that research shows low-dose exposure to pesticides as linked to learning disabilities, asthma, and cancer in children, and daily use of pesticides is based on the “antiquated assumption” that it’s just a small amount of poison so it’s an acceptable risk. She said that one in six students in public school is now enrolled in special education with a learning, developmental, or emotional disability, and “no amount of risk from poisons near children is acceptable any longer, especially when risk is unnecessary.” Ms. Lombardo reported that in the last eight months, local schools refrained from applying 200 pesticide applications in buildings, and there was not one pest infestation in any building, just some ants and spiders. She emphasized that while it is important to protect children from pests, no pesticide manufacturer or technician can absolutely guarantee the safety of chemical products.

Ms. Barbara Cruickshank, of Earlysville, said that Dr. Barbara Satler – Director of the University of Maryland’s Environmental Health Program – recently relayed a story of a child having an acute asthma attack in a hospital with a hospital worker nearby spraying a chemical known to exacerbate the condition.

She added that humans are subjected to multiple chemical exposures on a daily basis, and it is now known for sure that the 80,000 chemicals now used in America accumulates in our bodies in a “toxic soup” with unknown consequences. We do not need more studies to show a suspicion of harm. Ms. Cruickshank said that the report “Cancer in the Environment” done by the Physicians for Social Responsibility, states that in the U.S. more than four billion pounds of pesticides are used on an annual basis. She concurred with Ms. Lombardo in her support for the reduction of pesticide use in public schools, and asked the Board and Schools to adopt the “precautionary principle,” which requires caution in the use of chemicals and pesticides when there is a suspicion of harm – it does not require irrefutable proof of harm. It stresses prevention of illness and prevention of exposure. We do this for no other reason other than it is the right thing to do and we need to do that for our children.

Mr. Kevin Connelly said he is here as part-owner in Landscape Supplies, a turf and ornamental business with a location in Albemarle County. He encouraged “intelligent use” of products, noting that his company is a fourth-generation business that employs 40 people. Mr. Connelly suggested that the Board acknowledge all of the testing of products by chemical manufacturers that ensures their safety. He asked the Board to work with those industry leaders who have stringently tested products and then make a sound decision.

Mr. John Cruickshank, speaking on behalf of the Piedmont Group of the Sierra Club, said the organization was extremely impressed by the action of the Albemarle Board of Supervisors when they approved a moratorium a year ago on the use of most pesticides in County parks. He said that the decision of the School Board to implement an integrated pest management system in the schools was another positive step forward. Mr. Cruickshank encouraged the Board to make Albemarle’s Parks and Schools a permanent pesticide-free zone. Many of the cleaning products and pesticides that can be used legally in the U.S. contain chemicals that can cause serious health effects with long-term exposure. He added that it is unfortunate that the EPA has inadequate safety standards that do not take into account the impact of these products on different groups of people. In Albemarle, we can do better. When he was a principal in the School system, he did not know the potential dangers of pesticides. The scientific community has developed safer methods for disinfecting public buildings, controlling weeds and preventing insect infestation. Mr. Cruickshank said that he recommends the Board adopt option B under routine disinfection, which calls for routine cleaning and sanitizing of high-touch areas and authorizes disinfectants only in response to blood-borne pathogens or viral outbreaks. He encouraged them to pass a policy that continues the moratorium on the use of herbicides and petroleum-based fertilizers on the County’s lawns, playing fields, and around public buildings. Mr. Cruickshank also noted that while dandelions are often killed, they have been found to be helpful in treatments for osteoporosis, bladder infections, breastfeeding problems, liver ailments, pneumonia, swelling, tonsillitis, warts, and Alzheimer’s disease.

Ms. Deborah Jettison Evetts, said she lives in Key West and has had an organic landscape company for over 15 years and is a member of the ecological landscaping association. She said that in terms of termites, there is an effective non-toxic treatment called Centricon; for crabgrass, corn gluten is effective; and Japanese beetle grubs can be controlled with murky spore powder, which is completely non-toxic. She added that the right plant in the right place can eliminate a lot of the need for treatment of pesticides.

Mr. Jeff Werner, of the Piedmont Environmental Council, said the City has adopted a resolution regarding the water supply plan. He expressed his appreciation to the Board for separating the dredging issue as a component of the water supply plan. He added that PEC is not opposed to dredging, but the numbers show that as a component of the water supply plan it does not work economically. Mr. Werner noted that Leslie Middleton has said it very well: “let’s identify why we want to dredge, let’s identify what needs to be dredged, and come up with a plan for that.” He commented that the plan would be far more economical and easier for the community to support. He and others have worked to get more vigorous regulations in the County that reduce sediment going into rivers and streams, and residents of northwest Albemarle have been very loud in opposing these. Mr. Werner said that these opponents have indicated that people within the City and the County growth area should pay to have the sediment removed out of the Reservoir. He stated that the entire community needs to be involved in that process, adding that U.Va. has a key role to play in this.

Mr. Allan Jones, Vice President of Barley Tree Experts and County resident said that Barley does a lot of integrated pest management for ornamentals and shade trees. There is one new pest coming into the U.S. from overseas each week – 52 pests a year coming into ports and being transferred around the country. Mr. Jones emphasized that the Emerald Ash bore has infiltrated Michigan and is now present in Maryland and parts of Virginia. He said that prohibiting pesticides in certain places paints you into a corner, and wise use is the preferred alternative. Chemicals used 20 years ago are far different than those used today. The products used today are much safer and most of them are naturally derived. Mr. Jones added that the oak trees in the area are dying of bacterial leaf scorch, brought in by an insect, and treating those requires pesticides. He encouraged the Board to look very closely at their policies regarding pesticide use.

Mr. Boyd said he would try to make time for additional comments at 11:45 a.m. today, when the item appears on the Board agenda.

Agenda Item No. 7. Consent Agenda. Mr. Rooker offered **motion** to approve Items 7.1 through 7.6, to pull Item 7.7 for further discussion, on the Consent Agenda, and to accept the remaining items for information. The motion was **seconded** by Mr. Slutzky. (Discussions on individual items are included with that agenda item.) Roll was called, and the motion carried by the following recorded vote:

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

Item No. 7.1. Requested FY 2008 Appropriations.

The Executive Summary stated that Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of this requested FY 2008 appropriation is \$1,532,747.84. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of ten (10) new FY 2008 appropriations as follows:

- One (1) appropriation (#2008067) reallocating \$40,000.00 from the Old Jail Facility Maintenance to fund ADA upgrades to the Preston-Morris building;
- One (1) appropriation (#2008068) totaling \$15,429.87 for a Police Department grant;
- One (1) appropriation (#2008069) reallocating \$22,061.30 from the School's Maintenance Project capital budget to fund its share of the storage facility lease through June 30, 2008;
- One (1) appropriation (#2008070) totaling \$11,667.00 for the Teens Give Prevention Grant for the Commission on Children and Families;
- One (1) appropriation (#2008071) for Education reappropriations totaling \$213,698.00 which were approved by the School Board on April 24, 2008;
- One (1) appropriation (#2008072) transferring available fund balance of \$799,096.35 from the Debt Service Fund to the Capital Improvements Fund;
- One(1) appropriation (#2008073) providing \$305,000.00 in Glenmore Proffer revenue for improvements to the Route 22/250 Intersection project;
- One (1) appropriation (#2008074) transferring \$100,000.00 from the North Pointe proffer to the CIP to offset cost of 29N Corridor Study previously funded from Transportation Planning funds;
- One (1) appropriation (#2008075) totaling \$5,795.32 for Education donations; and
- One (1) appropriation (#2008076) providing \$20,000.00 in donated funds to construct a boat house and dock at Beaver Creek.

Staff recommends approval of the budget amendment in the amount of \$1,532,747.84 and the approval of the FY 2008 appropriations #2008 Appropriations #2008067, #2008068, #2008069, #2008070, #2008071, #2008072, #2008073, #2008074, #2008075, and #2008076.

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Appropriation #2008067		\$ 40,000.00
Revenue Source:	Old Jail Facility Maint. Project	40,000.00

In 2006 the City of Charlottesville in partnership with Albemarle County purchased the property known as Preston-Morris on High Street. This property is used by the Juvenile & Domestic Relations Court. An inspection of the building revealed that it is not in compliance with the Americans with Disabilities Act (ADA). This project was not identified in a timely manner to be included in the current Capital Improvements Plan. The City has processed a design to correct the deficiencies, including access and restrooms upgrades, initiated the competitive bid process, and is ready to sign the necessary contracts and proceed with the project. The total cost of the project is \$80,000.00, with construction at \$63,500.00, design fees of \$8,650.00, and contingency and project oversight at \$7,850.00. The County's share of the project will be \$40,000.00. It is requested that \$40,000.00 be transferred from the Old Jail Maintenance capital project, which has a current balance of \$110,795.00, to proceed with construction to bring this building into ADA compliance.

Appropriation #2008068		\$ 15,429.87
Revenue Source:	Federal Revenue	\$ 2,248.37
	Other Fund Balance	13,181.50

The U.S. Department of Justice awarded Albemarle County a grant in FY 06/07 in the amount of \$130,000.00, with a 50% local match, to update and/or install video monitoring systems for Monticello, Western Albemarle, and Murray High Schools. This includes cameras, recorders, a viewing monitor, and antennas. The School Resource Officer will share responsibility for the system with the school administration. This new system serves as a deterrent, a monitor for immediate response, and a record of

people and events for use in enhancing future safety. At the end of FY 06/07, this grant had an available fund balance of \$13,181.50 which can be reappropriated for use in FY 07/08. In addition, we anticipate receiving the remaining federal grant revenue of \$2,248.37 during the year.

Appropriation #2008069 **\$ 22,061.30**

Revenue Source:	Transfer from School CIP	\$22,061.30
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During the FY 08/09 CIP Budget process, it was recommended that a facility be leased to meet storage needs for both the School Division and Local Government in lieu of building the storage portion of the Support Services Complex. Funding for the FY 08/09 lease payments for both Local Government and the School Division will be provided through a transfer from the CIP to the General and School Funds. Since that time, staff was successful in locating a suitable space and has entered into a lease agreement which will provide 31,970 square feet of storage space with 23,018 square feet being allocated to the School Division and 8,952 square feet to Local Government. General Services has identified funds within its existing operating budget to fund Local Government's share of the lease payments through June 30th and will require no additional Board action. The School Division has identified \$22,061.30 in funding in its CIP Maintenance Budget which may be used to fund its portion of the lease through June 30th. This appropriation request will transfer \$22,061.30 from the School CIP Maintenance to the School Division operating budget for this purpose.

Appropriation #2008070 **\$ 11,667.00**

Revenue Source:	Local Revenue	\$ 1,667.00
	State Revenue	5,000.00
	Federal Revenue	5,000.00

The Department of Criminal Justice Services (DCJS) has awarded the Commission on Children & Families a grant in the amount of \$5,000.00 in Federal funds, \$5,000.00 in State funds, with a local match of \$1,667.00, for a total grant award of \$11,667.00. This grant will provide 200 service-learning sessions for 48 weeks for youth who are at risk of gang involvement. The local match will be funded by the Community Attention agency.

Appropriation #2008071 **\$213,698.00**

Revenue Source:	School Fund Balance	\$213,698.00
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At their meeting on April 24, 2008, the School Board approved the following appropriations:

- Following completion of the FY 06/07 audit and evaluation of current year revenues, reappropriation of school carryover funds takes place and portions of building rental funds are returned to the schools. This request will appropriate \$213,698.00 from the School Fund Balance to various schools.

Appropriation #2008072 **\$799,096.35**

Revenue Source:	Debt Service Fund Balance	\$799,096.35
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In December 2003, December 2004, March 2005, and April 2005, the Virginia Public School Authority (VPSA) issued bonds for the purpose of refunding for debt service savings various series of its outstanding bonds. Albemarle County participated in the original issues that were refunded. In the past, VPSA had returned savings derived from the refundings by calculating the debt service savings allocated to each locality and distributing the savings in a lump sum. This lump sum was subject to certain restrictions applicable to the related bonds.

In FY 06/07, instead of issuing a lump sum payment, VPSA issued a debt service credit on the issues involved in the refunding which reduced the amount of debt service the County had to pay out during the year. The transfer from the General Fund to the Debt Service fund, however, was made at the budgeted, original debt service amount. This resulted in a balance in the Debt Service fund at the end of FY 06/07 which can be appropriated back to the Capital Improvements Fund.

Appropriation #2008073 **\$305,000.00**

Revenue Source:	Glenmore Proffer	\$305,000.00
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The purpose of the Route 250/22 intersection project is to improve the intersection and is funded through a public-private partnership between VDOT, the County and Luck Stone Corporation. This partnership has significantly shortened the construction timeframe for this project and leveraged private funds toward road improvements. The project will realign Route 22 at Route 250 intersection and establish a new access for Luck Stone at this intersection resulting in a four-way signalized intersection, with Route 250 being two legs of the intersection and Route 22 and Luck Stone being the other two legs. The project cost breakdown is as follows:

VDOT – preliminary engineering, right of way = \$1,568,500
Luck Stone – Site contractor, paving, stone, hauling= \$970,000
Albemarle County (via proffer) – Traffic signal, piping, guardrail, pavement markings= \$305,000

The County's share of funding, \$305,000.00 will be provided from proffer funds from the Glenmore PUD for Route 250 improvements.

In FY 06/07, \$145,000.00 was appropriated in the Capital Improvements Fund to establish an account for the purpose of accepting contributions for improvements to this intersection, including proffered funds from the Glenmore development. This appropriation request will provide an additional \$160,000.00 to

complete the County's share of funding for the project and will recognize \$305,000.00 in Glenmore Proffer funds as revenue into the CIP for this expense.

Appropriation #2008074 **\$100,000.00**
 Revenue Source: North Pointe Proffer \$100,000.00

The North Pointe Proffer designated \$100,000.00 for the Route 29 North Corridor Study. The contract for the study was initiated in 2005, prior to receipt of these funds. In order to provide enough funding at the time the contract was issued, \$140,000.00 was reallocated from the Transportation Improvement fund for this purpose. The North Pointe Proffer funds have now been received and this appropriation will replenish \$100,000.00 to the Transportation Improvement fund.

Appropriation #2008075 **\$ 5,795.32**
 Revenue Source: Local (Donations) \$ 5,795.32

At its May 8, 2008 meeting, the School Board approved the following appropriations:

- Crozet Elementary School received several donations to the Virginia Parrott Williams Library Fund at Crozet totaling \$175.00. Here is a list of donors with their donations: Helen S. Montanari donated \$50.00; Ellen I. Andersen donated \$50.00; Ellen P. Tower donated \$25.00; Megan St. John donated \$25.00; and Mrs. Michael Armstrong donated \$25.00.
- Stone Robinson Elementary School received a donation in the amount of \$5,620.32 from the Stone Robinson PTO. The donor has requested that their contribution be used to cover the volunteer coordinator's salary for the 2007-08 school year.

Appropriation #2008076 **\$ 20,000.00**
 Revenue Source: Local (Donations) \$ 20,000.00

Western Albemarle High School received three donations through the WAHS Rowing Club totaling \$20,000.00 to support the construction of a boat house to be located at Beaver Creek Park in Albemarle County. The boat house will be constructed on County owned property and as such will require County oversight and formal appropriation of the funds by the Board of Supervisors. The WAHS Rowing Club has agreed to raise sufficient monies to build and maintain both the boat house and the dock associated with it. On Thursday, May 22, 2008, the Albemarle County School Board acknowledged receipt of the donations and agreed to deposit the funds in the County's Capital Improvements Fund. This request will appropriate the \$20,000.00 to be used solely for the construction of the boat house. Any excess funds following completion of the project will be returned to the Rowing Club.

(Referring to appropriation #2008069, Ms. Thomas asked if the amount is for this coming fiscal year or through June 30th of next year.

Mr. Bill Letteri, Director, Office of Facilities Development, said the \$22,000 is just for the last two months of this fiscal year. The funds for next year would come through the Capital Fund and transferred through operations for the next five years, the term of the contract.

Mr. Rooker noted that this cost was compared to that of building a storage facility and was found to be considerably less.

Regarding appropriation #2008067, Ms. Thomas said she continues to be concerned about holding up our responsibility to the Old Jail.

Mr. Letteri responded that staff has considered putting together a task force to try to identify some possible uses, and in subsequent CIP years additional funds have been identified to support improvements to that facility.)

By the above recorded vote, the Board approved the budget amendment in the amount of \$1,532,747.84 and approved the FY 2008 appropriations #2008 Appropriations #2008067, #2008068, #2008069, #2008070, #2008071, #2008072, #2008073, #2008074, #2008075, and #2008076.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008067
DATE _____
BATCH# _____

EXPLANATION: Preston-Morris Building ADA Upgrades

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9010	21000	950301	Old Jail Fac. Maintenance	J 1	(40,000.00)		
1	9010	43100	950230	Preston Morris Bldg - ADA	J 1	40,000.00		
TOTAL						0.00	0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008068
 DATE _____
 BATCH# _____

EXPLANATION: Police Department Grant - Reappropriation

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1537	33000	300001	Federal Revenue	J 2	2,248.37		
2	1537	51000	510100	Appropriation - F/B	J 2	13,181.50		
1	1537	62420	800100	Machinery & Equipment	J 1	15,429.87		
	1537		0501	Est. Revenue			15,429.87	
			0701	Appropriation				15,429.87
TOTAL						30,859.74	15,429.87	15,429.87

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008069
 DATE _____
 BATCH# _____

EXPLANATION: Funding for School Division's share of storage facility lease through June 30, 2008

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9000	62420	800949	F/M - Maintenance Projects	J 1	(22,061.30)		
1	9000	93010	930001	Transfer to School Fund	J 1	22,061.30		
2	2000	51000	512033	Transfer from School CIP	J 2	22,061.30		
1	2433	62420	540230	Lease/Building Seminole Prop	J 1	22,061.30		
	2000		0501	Est. Revenue			22,061.30	
			0701	Appropriation				22,061.30
TOTAL						44,122.60	22,061.30	22,061.30

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008070
 DATE _____
 BATCH# _____

EXPLANATION: CCF Grant – Teens Give Prevention

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1573	18110	181318	Local Revenue (Comm. Attn.)	J 2	1,667.00		
2	1573	24000	240000	State Revenue	J 2	5,000.00		
2	1573	33000	330001	Federal Revenue	J 2	5,000.00		
1	1573	53160	312105	Consulting Services	J 1	11,667.00		
	1573		0501	Est. Revenue			11,667.00	
			0701	Appropriation				11,667.00
TOTAL						23,334.00	11,667.00	11,667.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008071
 DATE _____
 BATCH# _____

EXPLANATION: Education Reappropriations – School Board Meeting 04/24/2008

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	51000	510100	APPROPRIATION - F/B	J 2	213,698.00		
1	2201	61101	601300	ED & REC SUPPLIES	J 1	5,307.36		

1	2202	61101	601300	ED & REC SUPPLIES	J	1	6,178.33		
1	2203	61101	601300	ED & REC SUPPLIES	J	1	4,933.30		
1	2204	61101	601300	ED & REC SUPPLIES	J	1	294.00		
1	2205	61101	601300	ED & REC SUPPLIES	J	1	64.80		
1	2206	61101	601300	ED & REC SUPPLIES	J	1	12,697.90		
1	2207	61101	601300	ED & REC SUPPLIES	J	1	6,918.13		
1	2209	61101	601300	ED & REC SUPPLIES	J	1	7,538.90		
1	2210	61101	601300	ED & REC SUPPLIES	J	1	13,309.45		
1	2211	61101	601300	ED & REC SUPPLIES	J	1	2,286.27		
1	2212	61101	601300	ED & REC SUPPLIES	J	1	8,085.85		
1	2213	61101	601300	ED & REC SUPPLIES	J	1	7,470.04		
1	2214	61101	601300	ED & REC SUPPLIES	J	1	264.00		
1	2215	61101	601300	ED & REC SUPPLIES	J	1	7,713.67		
1	2216	61101	601300	ED & REC SUPPLIES	J	1	76.00		
1	2217	61101	601300	ED & REC SUPPLIES	J	1	4,529.02		
1	2251	61101	601300	ED & REC SUPPLIES	J	1	11,107.70		
1	2252	61101	601300	ED & REC SUPPLIES	J	1	23,617.50		
1	2253	61101	601300	ED & REC SUPPLIES	J	1	8,703.72		
1	2254	61101	601300	ED & REC SUPPLIES	J	1	16,801.94		
1	2255	61101	601300	ED & REC SUPPLIES	J	1	24,185.22		
1	2301	61101	601300	ED & REC SUPPLIES	J	1	926.60		
1	2302	61101	601300	ED & REC SUPPLIES	J	1	2,852.80		
1	2303	61101	601300	ED & REC SUPPLIES	J	1	951.86		
1	2304	61101	601300	ED & REC SUPPLIES	J	1	36,883.64		
	2000		0501	Est. Revenue				213,698.00	
			0701	Appropriation					213,698.00
TOTAL							427,396.00	213,698.00	213,698.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008072
DATE _____
BATCH# _____

EXPLANATION: To transfer net proceeds of debt service credit received in FY 06/07 resulting from the Virginia Public School Authorities' refunding of the following VPSA issues: 1995A, 1996A, 1997A and 1999A

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9900	51000	510100	Debt Service- Appr. F/B	J	2	799,096.35		
1	9900	93010	930010	Debt Service - Trsf. To CIP	J	1	799,096.35		
2	9010	51000	512017	CIP - Transfer from Debt Serv.	J	2	799,096.35		
1	9010	11010	999999	CIP - BOS Contingency	J	1	799,096.35		
	9900		0501	Est. Revenue				799,096.35	
			0701	Appropriation					799,096.35
	9010		0501	Est. Revenue				799,096.35	
			0701	Appropriation					799,096.35
TOTAL							3,196,385.40	1,598,192.70	1,598,192.70

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008073
DATE _____
BATCH# _____

EXPLANATION: Additional funding for Route 22/250 Intersection Improvements and to appropriate Glenmore proffers for revenue for same

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	51000	512040	Transfer from Glenmore Proffer	J	2	160,000.00		
1	9010	41020	950200	Route 22/250 Intersection	J	1	160,000.00		
	9010		0501	Est. Revenue				160,000.00	
			0701	Appropriation					160,000.00
2	8521	15000	150101	Glenmore Proffer-Interest	J	2	5,981.23		
2	8521	51000	510100	Glenmore Proffer - F/B	J	2	299,018.77		
1	8521	93010	930010	Transfer to General CIP	J	1	305,000.00		
	8521		0501	Est. Revenue				305,000.00	
			0701	Appropriation					305,000.00

TOTAL							930,000.00	465,000.00	465,000.00
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COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2008074
 DATE _____
 BATCH# _____

EXPLANATION: Use of North Pointe Proffer Funds to offset cost of 29N Corridor Study previously funded from Transportation Planning funds

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT	
2	8538	51000	510100	North Pointe - App. From F/B	J	2	100,000.00		
1	8538	93010	930009	North Pointe - Trans to Gen CIP	J	1	100,000.00		
	8538		0501	Est. Revenue				100,000.00	
			0701	Appropriation					100,000.00
2	9010	51000	512032	Transfer from North Pointe	J	2	100,000.00		
1	9010	41020	950136	Transportation Improvement	J	1	100,000.00		
	9010		0501	Est. Revenue				100,000.00	
			0701	Appropriation					100,000.00
TOTAL							400,000.00	200,000.00	200,000.00

COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2008075
 DATE _____
 BATCH# _____

EXPLANATION: Education Donations – School Board Meeting: May 8, 2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	DONATION	J	2	5,795.32		
1	2203	61101	601200	BOOKS & SUBSCRIPTIONS	J	1	175.00		
1	2210	61101	135000	PART-TIME/OFFICE CLERICAL	J	1	5,220.92		
1	2210	61101	210000	FICA	J	1	399.40		
	2000		0501	EST. REVENUE				5,795.32	
			0701	APPROPRIATION					5,795.32
2	2000	18100	181109	DONATION	J	2	5,795.32		
1	2203	61101	601200	BOOKS & SUBSCRIPTIONS	J	1	175.00		
1	2210	61101	135000	PART-TIME/OFFICE CLERICAL	J	1	5,220.92		
TOTAL							11,590.64	5,795.32	5,795.32

COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2008076
 DATE _____
 BATCH# _____

EXPLANATION: Beaver Creek Boat House and Dock

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	18110	181129	Contribution: WAHS Rowing	J	2	20,000.00		
1	9010	71032	800605	Beaver Creek Boat House	J	1	20,000.00		
	9010		0501	Est. Revenue				20,000.00	
			0701	Appropriation					20,000.00
TOTAL							11,590.64	5,795.32	5,795.32

Item No. 7.2. Authorize County Executive to sign VDOT Project Administration Agreement and the Pass-Through Agreement with the Lewis and Clark Exploratory Center of Virginia.

The Executive Summary stated that the Lewis and Clark Exploratory Center of Virginia ("LCEC") applied for a \$300,000.00 Transportation Enhancement Funds grant from the Virginia Department of Transportation ("VDOT Enhancement Program") which was proposed to be combined with other grant funds to construct a 2,500 square foot visitor's center, develop a system of interpretive hiking trails, and create a ferry boat crossing to allow pedestrian passage across the Rivanna River to the greenbelt trails in Pen Park (the "Project"). LCEC's application for the VDOT Enhancement Program required the County to be responsible for accepting the grant from VDOT. Additionally, the County had to assure VDOT that a 20 percent match would be paid, that the Project would meet all VDOT requirements, and that the County would reimburse VDOT for any costs expended by VDOT if the Project was not completed. On January 10, 2007 the Board of Supervisors adopted a resolution supporting LCEC's application for the VDOT Enhancement Program and providing the necessary assurances required by VDOT for approval of the VDOT Enhancement Program (Attachment B).

The LCEC's application has been approved by VDOT, and \$150,000 will be allocated to the Project. As a condition of the funds being allocated for the Project, VDOT requires the County to enter into an agreement with VDOT, known as the Project Administration Agreement ("Project Agreement") (Attachment C), making the assurances legally binding. In turn, the County requires a separate agreement between LCEC and the County, which sets forth LCEC's agreement to assume all of the County's responsibilities under the VDOT Enhancement Program and hold the County harmless from any liabilities created by the County's acceptance of the VDOT Enhancement Program ("Pass-Through Agreement") (Attachment D).

VDOT requires the Project Agreement to be signed by the County to satisfy the VDOT Enhancement Program requirements necessary for funding eligibility. The Project has three phases: preliminary engineering, right-of-way and utilities, and construction, which estimated costs are attached to the Project Agreement as Appendix A (See Attachment C). Pursuant to the Project Agreement, the Project must be completed by March 11, 2012 or the Project may be subject to de-allocation.

In turn, the County requires execution of the Pass-Through Agreement which outlines the LCEC's assumption of the County's obligations and responsibilities for the Project as detailed in the Project Agreement. Pursuant to the Pass-Through Agreement the LCEC is responsible for completing the Project by March 11, 2012 with little County oversight or involvement.

The County's Office of Facilities Development will monitor this project to assure the County's obligations to VDOT are met.

There may be some costs associated with administering the Pass-Through Agreement between the County and the LCEC.

Staff recommends adopting the attached Resolution (Attachment E), which authorizes the County Executive to sign both the Project Agreement and Pass-Through Agreement in furtherance of the County's support for the Project and the VDOT Enhancement Program.

By the above recorded vote, the Board adopted the following Resolution authorizing the County Executive to sign both the Project Agreement and Pass-Through Agreement in furtherance of the County's support for the Project and the VDOT Enhancement Program:

RESOLUTION

WHEREAS, the Lewis and Clark Exploratory Center of Virginia (LCEC) is an educational center for visitors of all ages commemorating the Lewis and Clark Expedition; and

WHEREAS, the County of Albemarle and the City of Charlottesville have demonstrated their support of LCEC's mission by granting a long-term lease of land in Darden Towe Park, participation by the City Parks and Recreation Department in the boatbuilding program for youths, donation of office space by Albemarle County, and participation by area schools in LCEC programs; and

WHEREAS, the LCEC applied for \$300,000.00 in Transportation Enhancement Funds from the Virginia Department of Transportation (VDOT) which was proposed to be used with other grant funds to construct a 2,500 square foot visitor's center, develop a system of interpretive hiking trails, and create a ferry boat crossing to allow pedestrian passage across the Rivanna River to the greenbelt trails in Pen Park (the "Project"); and

WHEREAS, VDOT approved the LCEC's application and has allocated \$150,000.00 for the Project; and

WHEREAS, as a condition of the allocation, VDOT requires the County to execute a Project Administration Agreement setting-forth the County's responsibilities for receipt of the allocation; and

WHEREAS, the County requires a Pass-Through Agreement between the LCEC and the County, setting-forth the LCEC's assumption of the County's obligations and responsibilities detailed in the Project Administration Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, hereby authorizes the County Executive to execute VDOT's Project Administration Agreement in order to receive the \$150,000.00 allocation for the Project; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Albemarle County, Virginia, hereby authorizes the County Executive to execute the Pass-Through Agreement, ensuring the County's obligations and responsibilities outlined in the Project Administration Agreement are assumed by the LCEC.

Item No. 7.3. Set public hearing to consider Ordinance to change the location of the Central Absentee Voter Precinct.

The Executive Summary states that the Central Absentee Voter Precinct is currently located at the County Office Building at 401 McIntire Road ("COB-McIntire") while the Registrar's Office is currently located at the County Office Building at 1600 Fifth Street ("COB-5th"). On April 8, 2008, the Albemarle County Electoral Board unanimously voted to move the Central Absentee Voter Precinct from COB-McIntire to COB-5th.

Virginia Code § 24.2-712 authorizes the Board of Supervisors to establish central absentee voter precincts and requires that they be established by ordinance. A change in the location will require approval by the Department of Justice under the Voting Rights Act prior to its use in the next election.

Relocating the Central Absentee Voter Precinct so that it is located in the same building as the Registrar's Office would eliminate the need to transport the ballot-counting machines from COB-5th to COB-McIntire several days prior to each Election Day, and the in-person voting machines on the morning of each Election Day. Relocation would also minimize the chances of any transportation delays, would increase the level of ballot security, would allow for more timely resolution of any difficulties that arise, and would expedite the processing of returned ballots. In addition, the COB-5th facility has more space available to accommodate the growing number of absentee voters and the increasing number of election officials required. Lastly, the handicapped and general parking areas at COB-5th are closer to the voting room.

Staff recommends that the Board schedule the attached ordinance for a public hearing at its July 2, 2008 meeting.

By the above recorded vote, the Board set the public hearing for July 2, 2008.

Item No. 7.4. Priority Areas for Pedestrian Crossing/Sidewalk Improvements.

The Executive Summary states that after a fatal pedestrian accident near Berkmar Drive and Rio Road in early 2008, the Board of Supervisors requested staff to develop a priority list of crosswalk and sidewalk improvements. The Board of Supervisors requested staff to work with the Alliance for Commuter Choice in Transportation (ACCT) and VDOT when developing this list. The Board requested staff to present this list for its review and approval.

Staff has met with VDOT and ACCT, considered recommendations of existing studies and plans and staff knowledge to identify critical areas for pedestrian improvements. Once these critical areas were identified, staff evaluated characteristics of the road segments and the surrounding area to establish the recommended priorities. The following characteristics were considered: traffic volumes, pedestrian accidents, existing pedestrian improvements (sidewalks, crosswalks, signals, street lighting, etc.), presence of pedestrian trip attractors/generators in the area, and proximity to transit service.

Based on this information, staff has identified the following priority locations for crosswalk and sidewalk improvements:

1. Road/Berkmar Drive intersection
2. Rio Road at Fashion Square Mall/Albemarle Square
3. Rio Road at Greenbrier Drive
4. Hydraulic Road/Commonwealth Drive intersection
5. Route 250 East (Route 20 intersection, Riverbend at South Pantops Drives)
6. Riverbend Drive/South Pantops Blvd. intersection
7. Route 29 (mid block between Rio Road/Greenbrier Drive and Greenbrier Drive/Hydraulic Road)
8. Avon Street/Mill Creek Drive extended
9. Hollymead Drive and Powell Creek Drive near Hollymead Elementary School
10. Worth Crossing near Timberwood Blvd.
11. Berkmar Drive/Commonwealth Drive intersection
12. Hydraulic Road:
 - at Whitewood (AHS)
 - at Georgetown Road (potential added to Georgetown Road improvement project)

These two locations currently have existing pedestrian/crosswalk facilities (including street lighting and pedestrian signals), but due to traffic volumes and the level of pedestrian usage, further improvements and safety enhancements may be warranted.

The County and/or VDOT are already working on a number of pedestrian improvement projects. These include:

- Hillsdale Drive (complete sidewalk gaps and five pedestrian crossovers)
- Rio Road/ Northfields Road/Hillsdale Dr. intersection crosswalks (part of Phase 1 of the Hillsdale Drive project)
- Old Brook Road (sidewalk and pedestrian crosswalk)
- Crozet Avenue Streetscape project (Phase II)
- Georgetown Road (road cross-section, sidewalk improvements)
- Cale Elementary School (pedestrian crosswalk)
- Fifth Street and Old Lynchburg Road/COB, Fifth Street (crosswalk to COB and bus stop)
- Crozet Elementary School (sidewalks and pedestrian crosswalk)

Once the Board approves the priority areas, staff will work with VDOT to develop more specific plans for the improvements. Depending on the conditions at each location, improvements could include crosswalk stripping, on-street warning markers/signs, street lighting, pedestrian control signals, in-ground crosswalk lighting, raised medians, and/or installation of additional sidewalk segments and ramps. VDOT is currently evaluating the Berkmar Drive and Hydraulic Road area for pedestrian improvements and will provide a status report on this work at the June 4th meeting.

Improvements will be funded through existing and future CIP funds and VDOT Six Year Secondary funds. Staff will also continue to pursue grant opportunities to help fund project construction.

Staff recommends approval of the above noted priority areas for pedestrian facility improvements. Upon approval of the priority areas, staff will work with VDOT and the Office of Facilities Development to complete design plans and a schedule for the projects.

(Mr. Slutzky said that it is great staff came up with such a thoughtful list, but #7, Route 29 (mid block between Rio Road/Greenbrier Drive and Greenbrier Drive/Hydraulic Road), seems vague.

Mr. Benish, Chief of Planning, explained that at this point there is no specific location as staff is currently trying to identify general areas, but it would probably be in the Fashion Square Mall area because of existing transit locations. He noted that the cost of this may be prohibitive in the short term. The 29 Corridor Study mentioned a route up to Woodbrook Drive, but staff focused on the stretch Hydraulic Road to Rio Road. More than one location is being considered here, but funding will probably only allow for one area.

Mr. Benish then noted an error with priority #11, Berkmar Drive/Woodbrook Drive intersection, there is no intersection, as the latter should be Woodbrook Drive.

Mr. Rooker said that the North Charlottesville Business Council did a study and had some suggested crossings, including one at Fashion Square into the Whole Foods center. He emphasized the importance of looking at those plans, as there may be grant funding available.

Mr. Benish responded that Mr. Juandiego Wade went to an enhancement grant workshop. Mr. Benish said that doing these the right way will require more money and thus more funding sources.

Mr. Slutzky stated that it is possible that Mall property owners and Whole Foods managers may want permission to do something, so having identified specific needs is helpful when it comes times to discuss proffers.)

By the above recorded vote, the Board approved the priority areas for pedestrian facility improvements as recommended by staff and set out in the Executive Summary above.

Item No. 7.5. Resolution to Accept Roads in Reas Ford Village Subdivision in the State Secondary System of Highways.

By the above recorded vote, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 4th day of June 2008, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Reas Ford Village Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 4, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Reas Ford Village Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 4, 2008**, to the secondary system of state

highways, pursuant to §33.1-229 and §33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Breyerton Lane (State Route 1628)** from the intersection of Route 660 (Reas Ford) to the end of state maintenance, as shown on plat recorded in the office of the Clerk of Circuit Court of Albemarle County in Deed Book 3180, page 481, with a 40-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.09

Item No. 7.6. Crozet Streetscape-Jarmans Gap Road, Authorize the County Executive to sign Memorandum of Agreement with VDOT.

The Executive Summary states that staff and the County's consultant are prepared to begin the development of detailed design plans for the Crozet Streetscape Phase 2 improvements to Crozet Avenue, which include a new stormwater drainage system that will serve as the main "trunk" line for the Downtown Crozet area. The project is planned to be bid this winter and construction to begin in spring 2009. In a separate project, VDOT is planning improvements to Jarmans Gap Road. VDOT will begin the right-of-way acquisitions later this summer and anticipates that acquisitions will take 14 to 16 months. The new drainage system for the Streetscape project is dependent upon completion of the new Jarmans Gap Road drainage system to convey stormwater from Crozet Avenue to the outfall across from Carter Street. With VDOT's expected construction date of 2010, the new Jarman's Gap Road drainage system will not be completed before the Streetscape project is ready to connect to the system. To delay the Streetscape construction to coincide with the Jarmans Gap Road improvements could result in escalation of the construction cost. To move forward with the Streetscape project without permanent drainage improvements would require a temporary drainage system, at increased design/construction cost to the County.

After discussion among staff, the County's consultant, and VDOT representatives, the parties agreed in principle to a solution in the best interest of both projects: VDOT would break out the first block of its Jarmans Gap Road project (Crozet Avenue to Carter Street), advance the right-of-way and easement acquisition, and then turn the project over to the County to construct the road and drainage improvements in that block concurrently with the Crozet Streetscape project. VDOT would provide funding to the County in an amount that is adequate to construct the improvements according to the approved VDOT plan. The County and VDOT are working to develop a proposed Memorandum of Agreement for execution by the County Executive that will specify the funding and other details of this cooperative effort.

No budgetary impact is expected. Under the Agreement an initial increase in the County consultant's design fee will be necessary to modify VDOT's drainage system design plans; however, staff expects this cost will be offset by construction cost reductions resulting from the County's modifications.

Staff recommends that the Board of Supervisors authorize the County Executive to execute a Memorandum of Agreement with VDOT, in a form approved by the County Attorney, authorizing the County to construct the VDOT road and drainage improvements along Jarmans Gap Road east of Carter Street in conjunction with the Crozet Streetscape Phase 2 improvements.

By the above recorded vote, the Board approved the budget amendment in the amount of authorized the County Executive to execute Memorandum of Agreement with VDOT, in a form approved by the County Attorney, authorizing the County to construct the VDOT road and drainage improvements along Jarmans Gap Road east of Carter Street in conjunction with the Crozet Streetscape Phase 2 improvements.

Item No. 7.7. Transportation Funding Resolution.

Mr. Boyd explained that he has already indicated to fellow Board members his intention to vote against this item, citing concerns over the use of the word "new" in relation to transportation funds, which he believes implies a tax increase for that funding.

Mr. Slutzky asked how he would like to fund these fundamental needs.

Mr. Boyd responded that the General Assembly would be having a session to address that.

Ms. Thomas said that the problem is the State already has shown that they want to pass the burden onto local government and not have State taxes. She added that Mr. Boyd may be in a small minority on this one.

Mr. Rooker suggested replacing the word "new" with "additional." From his perspective it does not matter if they use existing funding mechanisms or additional money, or create new tax categories.

Mr. Boyd replied that he would support that change.

Mr. Slutzky agreed that he was fine with the change.

Mr. Rooker said he personally would like to remove references to "including Hampton Roads and Northern Virginia" because he does not like the focus being on just those two areas.

Mr. Boyd said he was also in favor of doing that. He is not inclined to be a petition signer.

Mr. Slutzky said he would prefer to leave that language in, but include "Charlottesville".

Mr. Rooker suggested taking off the reference to areas with "special transportation needs," as the County should be advocating for areas of the Commonwealth that have an opportunity for a "self-help approach" to raising transportation funds.

Ms. Thomas suggested leaving it in, because there would likely be a "divide and conquer" strategy and she wants to recognize that those areas do have unique transportation needs that should be addressed. In addition those areas export tax dollars to our community and their financial economic health is of great value to the County.

Mr. Rooker said he does not feel real strong about the language and if Ms. Thomas wants to leave it in, then he will go along with it. There are many areas that have special transportation needs that require self-help approaches, and they should be more widespread than just the ones mentioned.

Ms. Mallek said she also thinks the state-wide approach is also important.

Mr. Tucker asked if the Board felt it would be important to say "unique transportation needs of specific regions of the Commonwealth" rather than just reference the entire state.

Ms. Mallek stated that she wanted that reference to regions. Other Board members agreed.

Ms. Thomas added that she also wants to urge continued efforts to improve the land use transportation connection.

At this time, the Chairman suggested continuing this discussion under transportation matters. Board members concurred.

Item No. 7.8. Board-to-Board, June 2008, *Monthly Communications Report from School Board, School Board Chairman*, **was received for information.**

Item No. 7.9. Copy of letter dated May 16, 2008, from Mr. John Shepherd, Manager of Zoning Administration, to Mr. John W. Smith and Ms. Emily W. Chewning, **re: LOD-2008-0004 - OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS - Tax Map 66, Parcel 6; Tax Map 65, Parcel 115; Tax Map 65, Parcel 116 (property of John W. Smith and Emily W. Chewning) – Rivanna Magisterial District, was received for information.**

Agenda Item No. 8. Rivanna Station Update, Colonel Mark G. Moffatt.

Colonel Moffatt said he is the Deputy Garrison Commander for Transformation and BRAC at Fort Belvoir. He is responsible for reporting to the Installation Commander, Col. Lauritzen, who is responsible for everything that happens at Fort Belvoir. He explained that his job is to do all of the construction related to BRAC 2005 at Fort Belvoir, and because of the relationship with Rivanna Station – which is a sub-installation to Col. Lauritzen– he has the responsibility to build the joint use intelligence analysis facility at Rivanna Station.

Col. Moffatt then presented information on Rivanna Station's history. He stated that in 1997 a facility was purchased for the National Ground Intelligence Center (NGIC), also known as the Nicholson Building. The building, about 260,000 square feet, was completed in 2001. At that point in the history, NGIC fell under INSCOM as their major command organization. They did most of their support from Washington D.C., at Fort Belvoir, down to Rivanna Station between 2001 and 2006. He added that there was not a whole lot of relationship between Fort Belvoir and Rivanna Station at that time. When Col. Lauritzen took over he became bombarded with issues related to BRAC 2005 in the national capital region. Col. Moffatt said that at Fort Belvoir, facilities costing \$3.5 billion would be constructed between last fall and September 2011. Plans for Rivanna Station are moving forward but at a much lower or slower pace. He added that it has accelerated rapidly since late 2007. At that time they did an environmental assessment. In December it went out to notice to County residents to raise concerns if they had any with

the assessment. Col. Moffatt said that they worked through those issues and Col. Lauritzen signed the Finding of No Significant Impacts (FONSI) on March 28, 2008.

Col. Moffatt reported that Fort Belvoir is about 9,000 acres to include approximately 100 acres at Rivanna Station. Fort Belvoir has about 2070 living quarters; Rivanna Station does not have living quarters; they live in the community. Fort Belvoir has a population of about 23,000; with about 22,000 workday employees and 1,000 soldiers. He explained that BRAC 2005 was signed into law in November of that year, and focused on reducing leased space options, predominantly in the National Capital region, so that offices are moved into safer facilities on military installations. Col. Moffatt said that about 19,300 people would be moved to Fort Belvoir by September of 2011 from four major organizations. At Rivanna Station, he said, about 1,000 personnel would be added to the existing 1,100 NGIC employees.

Col. Moffatt presented information on some major projects slated for Fort Belvoir over the next several years: the National Geospatial Intelligence Agency – which has six capital locations that will be consolidated on Fort Belvoir's engineer proving ground to the west of I-95 south of Springfield. He explained that it is a 2.4 million square foot office/administrative facility with technical expertise to protect the nation around the clock. Col. Moffatt said that the second project is the Fort Belvoir Community Hospital, which will replace the current 51 year-old hospital by 2011 and serve all military beneficiaries in the Virginia area. He explained that the third project is the Missile Defense Agency, which is much smaller in monetary value but is a headquarters for all who do missile defense, and would be located in the southern post of Fort Belvoir.

Col. Moffatt reported that the overall BRAC population breaks down as: NGIA with 8,500 personnel; medical command would add 2,100 medical professionals to the already 900 to 1,000 staff; and the missile defense agency has only 300 personnel. He added that the Washington Headquarters Services is an umbrella organization for 45 agencies, and they currently need a home – a search process that would conclude in about two months. Col. Moffatt presented a slide on the Joint Use Intelligence Analysis Facility at Rivanna Station, which would house about 1,000 personnel. He explained that the facility is about \$58.5 million on a 46-acre parcel of land just uphill from the current NGIC facility, and would be about 170,000 square feet. He said that most of the employees are Defense Intelligence Agency, and approximately 200 would be additional NGIC personnel; there would be parking for 625 vehicles.

Col. Moffatt then referenced a drawing of the site, noting the view from Route 29 looking at the building. He pointed out the existing NGIC building in the lower left-hand corner and the location of the proposed Joint Use Intelligence Analysis Facility (JUIAF), with the parking area denoted in red. He added that Colonel Lauritzen had asked him to address the Board to present a face for this project. Col. Moffatt stated that his job is to construct the facilities at Fort Belvoir – and since Rivanna Station is part of that system he is the contact until 2011. He said that there have been many questions about impact on jobs, schools and housing, and the impact of the facility on the environment and roads. Col. Moffatt stated that this facility will be able to provide up to the minute analysis to Washington D.C. He added that the greater Charlottesville area is playing an important part for our national security and they are happy and proud about that. He then offered to answer questions.

Ms. Mallek asked if any residential quarters were being planned for this facility. Col. Moffatt confirmed that there would not be.

Ms. Mallek expressed concern about the impact of the parking location on the River because of tremendous erosion possibilities. Col. Moffatt responded that the government has gone more toward parking garages, which are costly, but necessary for environmental considerations. He added that the NGIC facility would be building a structured parking garage facility in the coming years. They are committed to limiting asphalt to help address stormwater concerns.

Mr. Rooker asked if the plans to expand the existing NGIC building, which would add about 80 percent to the original size, are still in the works. Col. Moffatt replied that there are plans to add to the Nicholson Building, but they do not have a tremendous amount of fidelity at this point. His impression was that the NGIC addition was in the 30 to 40 percent range. He also said that they are planning to build it as a perpendicular wedge on their existing building on existing acreage and footprint, with the biggest concern being excavation to accommodate the grade. Col. Moffatt commented that there is not funding for the addition right now, and it may not come online until 2013.

Mr. Rooker asked at what point it might be known how many employees would be locating here from elsewhere and how many would be hired locally. Col. Moffatt answered that he is not certain how the Defense Intelligence Agency (DIA) is going to determine which Capital region employees would be willing to relocate. A human resource survey will be initiated to establish the climate among employees for moving. The jobs coming here are high demand and well-paying. He emphasized that the Charlottesville area has a lot going for it, and perhaps people might relocate instead of commuting as long as they can find suitable housing. He would anticipate that a good portion, easily 70 to 80 percent, would want to come down here and move forward.

Mr. Rooker asked about the leased space denoted on the map. He asked if the space is planned to be inside or outside of the secured area. Col. Moffatt responded that the leased area is privately owned and located outside the federal government property. He also said that he is not sure if it would be residential, but believes it will support their governmental buildings.

Ms. Mallek asked if there were particular design requirements for the leased space buildings, as far as security, etc. Col. Moffatt replied that the buildings that are leased by the General Services

Administration – which would be one of the leasers, if not for the entire facility, – have to meet the same standards for any other installation.

Ms. Thomas said that it's humbling to know that this is only one-twentieth of his job responsibility, but it is a big deal for the County that this will double the number of employees out there. Col. Moffatt said that one-twentieth may be in terms of monetary value, but they are very concerned that the installation meets the necessary standards and that the standards continue to improve.

Ms. Thomas asked him when the results of the employment study might become available. Col. Moffatt stated that he does not have that information. The DIA is doing those studies; they are considered a tenant, as is NGIC, to Col. Lauritzen's responsibility as a commander. He said that he would get in touch with DIA and get their timeline for the survey and any other information they might have.

Ms. Thomas said that they should also be able to answer questions about subcontractors, as there are other intelligence-related offices that have filled buildings in the area. Col. Moffatt responded that his colleagues at DIA have a pretty good understanding of what their requirements are going to be and he would have to defer to a DIA person for that.

Ms. Thomas noted that staff in the County's Engineering Department have not yet received a response to the FONSI request, although it had gone out in March. Col. Moffatt confirmed that Col. Lauritzen had signed the FONSI on March 28, 2008. He indicated that he has some additional information to share with staff as the County designates, noting that there were 54 comments to the environmental assessment. Col. Moffatt noted that they went to public comment period from December 19th to January 25th. He said they made public notice in the Daily Progress and posted it in three local libraries.

Ms. Thomas said that the County saw that and made comments. Col. Moffatt explained that they received comments from the DEQ and went through them line by line but did not answer all of them because many of them need to be resolved from today forward – such as the possibility of James River Spiny Mussel in the Rivanna River, and a bat that uses the area for its habitat. He emphasized that he would share the information with the County Executive.

Ms. Thomas stated that there are certain traffic management tools that she wants to make sure are taken seriously, as that could greatly impact the flow of cars in and out of the facility, and other traffic in the area. Col. Moffatt replied that he drives about 17 miles to get to Fort Belvoir, and there is no mass transit available in the Charlottesville area but he would work to help provide those opportunities, including rideshare spots. Because of credentials and other documents, they do not allow commuter buses or other such forms of transit to go inside their installation. He said that at Fort Belvoir, once people drive onto the installation he knows that he has lost that opportunity for the future to get them into mass transit. Col. Moffatt commented that he needs to get them onto mass transit before they even start their jobs, and the County could help if there are locations with park and ride by 2011. Ms. Thomas said that the County could help.

Mr. Slutzky asked Col. Moffatt if he had a ballpark number as to the number of employees in the leased space. Col. Moffatt responded that he doesn't have confidence in the numbers he has now, but could provide better figures within 30 days.

Mr. Slutzky said that it would be helpful in the County's land use planning. He also agreed that if transportation strategies are in place prior to the facility opening, people are more likely to adapt to them than after the fact. Mr. Slutzky mentioned the plans for a Regional Transit Authority, and public-private partnership opportunities that could include collaboration between the military and the RTA. He commented that if the military were to weigh in with the General Assembly in support of the RTA because it benefits the NGIC facility, it would be helpful to the County's purpose and consistent with their interest. He also added the County would welcome them looking at planning to contribute to the cost of extending a route to the Rivanna station facility if the RTA does not come to fruition.

Mr. Rooker noted that if that conversation takes place, it might be helpful to bring the park and ride person in from Thomas Jefferson Planning District Commission (TJPDC).

Col. Moffatt pointed out that the 625 parking places are stipulated by federal government requirements for 60 percent of employee base to have a parking space. He then has constant dialogue with leadership about the location of the other cars as there will not be any other parking spaces built.

Mr. Dorrier asked about the GS levels of the employees working here. Col. Moffatt responded that he does not know for sure, but most working within the Capitol region is between GS 11 and GS 14.

Mr. Dorrier asked if law enforcement would be taken care of on the site, and asked if other County services would be required. Col. Moffatt replied that they have relationships with fire and police for NGIC, and have to go through a series of decisions regarding the new building as to whether a threshold level is broken that merits an onsite fire station, with a mutual aid agreement needed for local fire and rescue, and police. He added that the federal government has a police force, but they work hand in hand with local police forces.

Mr. Dorrier thanked Col. Moffatt, and welcomed him to the County.

Mr. Boyd asked Ms. Susan Steimart, Business Development Facilitator, for an update on the employee questionnaire. Ms. Steimart responded that the County has talked with DIA human resources

personnel about releasing their survey following the community town hall event, which is tentatively scheduled for September 9th.

Mr. Boyd thanked Col. Moffatt for his presentation, and encouraged him to stay for the next agenda item on rail service.

Agenda Item No. 9. Presentation, Department of Rail and Transportation, Kevin Page, Chief of Rail Transportation.

Mr. Boyd introduced Kevin Page, Chief of Rail Transportation for the State's Department of Rail and Public Transportation.

Mr. Page reported that Matthew Tucker, the agency's head, is out of the State attending another meeting. Mr. Page applauded the Board and its leadership for moving forward with public transportation in the County. He said that his agency is an executive branch agency within the cabinet of the Secretary of Transportation; both DRPT and VDoT are served by the Commonwealth Transportation Board. Mr. Page stated that the Six-Year Program also includes rail, public transportation, ride-sharing, and all VDoT highway projects. He said that their agency has three main areas of activity – rail, transit, and congestion management – and also serve as an advocacy agency and provider of technical support to transit, rail, and congestion management providers.

Mr. Page said the DRPT is developing three key plans to provide a blueprint for DRPT programs, projects and initiatives – Statewide Rail Plan; Statewide Transit Plan; and Statewide Travel Demand management (TDM) Plan. He commented that all of these different concepts have their own utility as standalone plans, but the compilation of the three plans will result in the DRPT Multi-Modal Transportation Initiatives document which will then be rolled into VTRANS 2035 as new elements. He said that the Statewide Rail Plan is well underway and a draft is expected by July 2008 – a mandate in the 2007 Appropriations Act of the General Assembly. The draft Statewide Transit Plan is anticipated to be out by February 2009. The Travel Demand Management Plan due in May 2009. Mr. Page said that the DRPT Multi-Modal Plan is due by July 2009 to roll into the VTRANS 2035 document due in November 2009.

Mr. Page explained that they are also working on establishing their level of participation in the Route 29 Multi-Modal Corridor Study, noting that he isn't directly involved but would like to provide a brief overview. He said that they want to work collaboratively in the Route 29 corridor, and the State likes to look at transportation corridors for the benefits that are provided. A corridor has highway, rail, transit, and other multi-faceted components that they hope they can build upon as part of the Route 29 Multimodal Corridor Study and as they move forward in putting forth a planning strategy for the corridor that will be developed in three phases – the initial, intermediate and final. They anticipate completion of this document by November 2009. They will be working with the local governments and all transportation providers in the area in this planning effort.

Regarding the Statewide Rail Plan, Mr. Page said that this is an update of the 2004 Rail Plan published in the Warner administration, but now it will have an action document that will address Class 1 Railroads – Norfolk Southern and CSX – and also a Short-line Rail Improvement Program. He said that Albemarle County has a new short-line railroad that was created about four years ago – the Buckingham Branch – and the State came in as a funding partner to assist CSX in transferring this line to a short-line railroad to be developed and continue rail service in Virginia. Mr. Page stated that they are trying to develop a six-year action plan and then a longer range vision plan as to how the DRPT will lead the Commonwealth to great rail, freight and passenger improvements by 2035.

Mr. Page reported that the Class 1 Railroad Improvement Program deals specifically with corridor developments, as the Rail Enhancement Fund established in 2005 has provided a constant revenue stream. He noted that the strategy is to develop corridors and in that plan consider freight and passenger benefits. He said that there are ten short lines in Virginia, and six of them take advantage of the Shortline Railroad Preservation and Development Fund, which provides a 70/30 shared match for corridors that are owned, operated, and maintained by short-line railroads – which allows for industrial development of routes that may be considered for abandonment or fall into a state of disrepair. Mr. Page noted that the Buckingham Branch has short-line connections to two Class 1 railroads – Norfolk Southern and CSX – which is very important to industry because of the competitive marketplace.

Mr. Rooker asked where Buckingham Branch starts and ends.

Mr. Page responded that it begins north of downtown Richmond off of I-95 where Main Street Station is, a mile north on Hospital Street – and runs all the way to Clifton Forge – 199.8 miles. He said that as part of that they operate a section of track that is leased from Norfolk Southern that runs from Gordonsville to Orange – a nine-mile section; the Old Southern Railway was extended from Orange to Charlottesville over the old Richmond & Alleghany line. Mr. Page noted that the old C&O Railway would run coal trains up to Washington D.C. Today the Cardinal Train Service uses the nine-mile section three days a week. They are working collaboratively with the Buckingham Branch because that section does not have enough freight traffic to support itself. It is very important for them to continue Amtrak service to Charlottesville and it is important to support, as a Commonwealth, this short-line program. From time to time, the Buckingham Branch does come to this body and ask for its support in adopting resolutions of support endorsing projects that take place for rail preservation purposes. He said that the owner of that line is Bob and Andy Bryant – who is a retired railroad marketing manager who farms 600 acres in Buckingham County.

Mr. Rooker asked if they get a fee every time the track is used.

Mr. Page responded that they do, and explained that the James River line of CSX is a downgrade line – with the track running downhill – and coal trains are about 100 cars long today because of lighter weight aluminum rail cars. He said that the sidings are too short to run the empty cars back up the River against the flow of traffic, so CSX developed one-way traffic movement – trains come downgrade loaded along the James River line, and with the same horsepower they can pull the trains back up to Clifton Forge to head west from there. This has been an excellent opportunity in terms of efficiency and in terms of environmental benefits because trains are continuously moving.

Mr. Page also reported that the DRPT's Passenger Rail Plan covers commuter inter-city and higher speed rail service, and includes goals for enhanced partnership with Amtrak and a long-term action plan with Class 1 and rail-providing partners, as well as funding strategies. Funding strategies can be anything from federal, state and local partners. He said in development of rail corridors, they are considering whether to look for local governments for participation and support for local train stations or transit-oriented development processes. Mr. Page emphasized that this is the first time the DRPT has moved forward with a vision document in a strategic way to try to work through how they pay for it and how the State can work and build partnerships with local governments. He reported that their system goals are effectiveness and efficiency for the entire transportation system, development of a multi-modal strategic partnership, and designing passenger rail and the transit-oriented development that falls behind it.

Mr. Page said they are also looking at enhancing emergency preparedness and safety. They want to build today without inhibiting future possibilities for phased implementation of high speed rail; they need to get existing service up to a reliable, dependable and confident level of on-time performance as they move forward with a fully implemented plan of high speed transportation system for Virginia.

He also reported that Amtrak reviewed all of its service corridors in Virginia and found that the majority of ridership was in the Charlottesville/Lynchburg corridor up to D.C.; they also looked at Newport News as another heavily-traveled area. Mr. Page said that under the Amtrak short-term report, the DRPT had one train to Newport News proposed. He mentioned that trains run under performance level percentages, and the DRPT is setting a bar with inter-city rail providers to get to a threshold of 85 percent on time. Mr. Page reported that there is an opportunity to add one additional train in this corridor per day each way, and it will serve Charlottesville as a run-through station – boarding passengers while it is off the main line. He commented that there is demand from ridership today that cannot be met because the Crescent is a long-distance train that Amtrak reserves for the higher level longer trips, and DRPT is working with them to develop a plan of action for the new expanded service.

Mr. Boyd asked when this might come to fruition.

Mr. Page responded that Virginia has a good funding program for capital improvements, but doesn't have a program to fund the operating subsidies of inter-city passenger rail – and that is the focus of one of the DRPT's strategies. He explained that because the train would be operating on a private railroad, there would have to be an agreement with Amtrak, the Commonwealth, and Norfolk Southern on movement patterns and needed improvements to start operation – such as platform improvements at Kemper Street Station and turning improvements at the Lynchburg station. Once funding is put into action, this train could be implemented within a fiscal year.

Mr. Boyd asked if it is demand for service that has caused them to originate it in the morning from Lynchburg and in the evening from Washington D. C.

Mr. Page said that their goal has been to create a business-line and increased commuter service, noting that VRE trains are running pretty full right now. They are also trying to mirror the timing of the Crescent. This puts another train in the network. Another part of this is that Amtrak is proposing that one of the two trains in their short term action plan can continue south because currently it stops in Washington at the same time these trains would be leaving. They are offering one train set at no capital investment cost which could be used to go to Lynchburg or Newport News, and then come back the next morning. The challenge is that they will not only be offering service to Washington D.C., but also to the northeast corridor. The northeast corridor runs hundreds of trains a day and in order to get a slot to put another train in the corridor is very challenging, and Amtrak is using existing trains for DRPT's additional runs.

Mr. Page provided a map of the existing Route 29 Passenger Rail Corridor and the location of the existing Amtrak routes in Virginia. Norfolk Southern has rail ownership of several lines in the area, and DRPT operates eight miles of CSX track; VRE operates 16 trains per day with six station stops; and Amtrak would operate three trains per day from Washington DC to Lynchburg under the new scenario with six stations – this would add 30,000 to the 100,000+ riders per year. He also mentioned that Norfolk Southern operates its own freight network, and one of the challenges for jurisdictions is the inter-modal nature of their crescent corridor concept – how to move trucks off the highway onto trains. Mr. Page added that the benefits include increased transportation services in the corridor, and an opportunity to have service in the corridor from Charlottesville to New York. He also said that they are connecting major population areas of Virginia.

He stated that the next steps are getting these concepts into the State Rail Plan and continue dialogue with Amtrak and their strategic planning staff. Mr. Page said that the rail plan is underway, and the DRPT accepted comments at the Six-Year Improvement Program hearings – with a draft to be published in July and a resource allocation report for the General Assembly done by September. That document will include how DRPT sees potentially funding for some of the projects to move forward. He

thanked the Board for their support of the Buckingham Branch railroad, the Rail Preservation Program, and the Rail Access Program.

Mr. Rooker asked about the inland port in Roanoke, as the CTB representative indicated they would be increasing train capacity by 100 percent within the next 10 years based upon the execution of that plan. He asked if that was part of the DRPT plan.

Mr. Page responded that their plan is corridor development for both passenger and freight rail, and they have been very involved with the Heartland Corridor Initiative – which attempts to serve the port of Virginia that Norfolk Southern brought forward in concept and would add CSX to the port as well. He mentioned that Maersk's inland container handling company – APM Terminals – built a \$600 million terminal in Portsmouth, and the DRPT has come to the table with a desire to get the additional containers through Virginia without choking the State highway system. Mr. Page emphasized that trains that were once 7,500 feet would now be 10,000 feet, and planning for those includes planning for the Crescent corridor.

He also mentioned that DRPT has a \$40 million project between Manassas and Front Royal behind the inland port, and is working collaboratively on the inter-modal facility in Roanoke. Mr. Page said that as the State competes with the global marketplace, the DRPT must collaborate with transportation partners as to how to get those big customers' merchandise into the U.S. and to distribution centers. He said that the process for adding capacity and accommodating the longer trains is under study and would be coming out as part of the rail plan's corridor development component.

Mr. Rooker asked where the passenger service from Charlottesville to D.C. to New York stands today, and asked if it's been approved subject to funding.

Mr. Page replied that this was an independent proposal from Amtrak that the DRPT requested on their behalf. The DRPT is taking it into consideration and would incorporate report findings into the rail plan and moving forward with a funding strategy for implementation of incremental services throughout the State. Today it's a standalone plan that Amtrak has proposed, and then from that point they will be coming forward in the rail plan document with a plan for Virginia, and then in September coming back with a funding strategy that hopefully the Administration and others at the General Assembly and local governing partners will embrace and move forward to make a reality.

Mr. Rooker asked if that would be a recommendation in the plan.

Mr. Page responded that they have not gotten to that point yet, but would come forward with a six-year funding strategy and action plan for enhancing passenger rail in Virginia. He emphasized that the corridors of greatest focus are the Route 29/81 corridor and the I-95 corridor.

Mr. Rooker said that it might be helpful to get an endorsement from Fort Belvoir for selection of this route.

Mr. Page agreed that the presentation from the Colonel was very informative.

Ms. Thomas commented that the County has very little leverage with railroad companies, so when a bridge is owned by the railroad but traversed by local travelers there is often neglect in maintenance. She asked if perhaps the increase in State involvement might include some additional leverage. The County needs help and wonder if it can count on that from DRPT, particularly given that there is going to be increased State funding.

Mr. Page said that he hears that frequently from localities throughout the State, and one challenge with primary/secondary bridges owned by railroads is they were built by the companies and have posted weights from the time they were constructed. He explained that under the current Code of Virginia, that weight restriction is all that is required to be maintained, and upgrading them to meet modern traffic has been a challenge of their agency since 1996, when they went through the Code of Virginia to study the issue. Mr. Page stated that he would take her comment back to Richmond in an effort to further address the problem.

Ms. Mallek asked if the DRPT would inform the County soon as to the need for local support for the increased service.

Mr. Page answered that the information would come forth in their September report.

Mr. Dorrier asked if he sees this as a trend across the country.

Mr. Page responded that there are 14 states that contract with Amtrak to provide services, and most passenger rail services are provided by Amtrak through contract. He noted that under public-private transportation act initiatives there are private contracting companies that are getting in the commuter rail business as competitors to Amtrak. Mr. Page mentioned that they have the Southeast High Speed Rail Corridor, developed with North Carolina Department of Transportation, starting in Raleigh N.C. and running to D.C. and connecting to the northeast corridor; the environmental impact statement for that would be done in 2010. He noted that the train would take the I-95 corridor, then down I-85 to Raleigh.

Mr. Slutzky said he was informed by some individuals from Amtrak that an alternative high speed rail route could run from Charlottesville to D.C. and beyond, but the infrastructure cost of adapting the current rails to the higher speed were significantly higher along the I-95 corridor.

Mr. Page explained that there was a decision made that from Raleigh to Richmond it would go to Main Street Station and follow the higher population centers; from Petersburg south to North Carolina is a railroad bed because CSX abandoned that line in the 1980s due to low traffic volumes; and to make it useable again there would need to be realignment of curves and funding to reinstall the tracks. He also said that the Route 29 corridor is not being studied for high-speed rail, but it is being studied for conventional speeds of below 90 miles per hour. In the out years of their six-year plan they have improvements slated from Lynchburg to D.C. that help achieve a higher speed. Mr. Page stated that the DRPT wants to take the current footprint system and make it run as efficiently and fast as possible before they go outside of the right of way for improvements. He added that Norfolk Southern has applied for funding and are providing a local match for that.

Mr. Slutzky commented that it would be helpful for DRPT to weigh in at the General Assembly regarding support for a Regional Transit Authority. He asked if there was anything the Board could be doing to help the DRPT accomplish their goals.

Mr. Page replied that the DRPT always encourages local support, although he is not petitioning that, adding that incorporating comments about the Fort Belvoir plans could play a role in future decisions as it might mean increased ridership.

Mr. Slutzky asked him for some model resolution language. Mr. Rooker suggested that a resolution be passed at the MPO level.

Ms. Mallek noted that the previous Board letter did not include the BRAC information and that is a big change.

Mr. Boyd thanked Mr. Page for his attendance and report.

Agenda Item No.10. Annual Housing Report.

Mr. Ron White, Director of Housing, said that affordable housing is one of the priorities in the County's Strategic Plan and a key part of the strategy is the development of partnerships in addressing affordable housing needs. He said that partnerships include nonprofit agencies, state, federal and private funders, developers, builders, realtors, and lenders, and through those the County's affordable housing initiatives last year provided assistance to over 800 families – 31 houses were rehabilitated, 49 emergency repairs were completed, 38 homebuyers received down-payment assistance, 480 families received rental assistance under the County's Housing Choice Voucher, and there were 34 units of rental assistance at Scottsville School. In addition, the County's funding provided rental subsidies to 29 units at Woods Edge senior apartments and 155 families received homebuyer education.

Mr. White explained that in housing rehab the beneficiaries are lower income County homeowners with household incomes ranging from under \$7,500 to over \$53,000; for the Emergency Repair Program household incomes range from \$0 to \$39,780 with the average being \$23,095 or 35 percent of the median income for housing rehab and \$17,309 or 26 percent of median income for the Emergency Repair Program. He explained that in the Homebuyer Program, household incomes range from \$23,558 to \$55,684, or an average of \$40,547 or 60 percent of area median income. Mr. White stated that almost all of those receiving rental subsidies were below 30 percent of area median income, which would equate to approximately \$20,000 per year.

Mr. White reported that Housing proffers increased by 50 percent in 2007, with about 1,000 units and approximately \$1 million cash proffered; developments have proffered a total of 622 units and about \$1.6 million in cash based on the maximum build out allowed under the rezoning. He said that in 2007 the County received nine units at Avon Park that were completed, and about \$380,000 in cash proffers – of which \$300,000 is being used for down payment assistance.

Mr. White reported that effectiveness of current initiatives can be measured through production and outcomes, but it's equally important to examine how local public resources are used efficiently, such as leverage of outside capital. He said that in 2007, affordable housing initiatives totaled \$11.5 million – with County funding just \$1.2 million or 11 percent of the total – and over 50 percent of the funding was from private funds. Mr. White also stated that housing rehab and home ownership have been able to leverage outside capital by comparison of 2005 National data from the City/County Management Association (ICMA); Albemarle County significantly exceeded leveraging of outside capital under housing rehab for all localities as well as those under 100,000 population. He noted that Albemarle exceeded all counties leveraging on the home ownership side with the exception of Chesterfield County.

He explained that the first proffered units were built and purchased in 2007, and the County had several purchasers at Avon Park that are schoolteachers.

Mr. Slutzky asked how many of those purchasers were single individuals versus families.

Mr. White replied that he does not have that, as they are considered "households." He did acknowledge that there is a very narrow window for someone to qualify for a loan – the minimum income must be \$44,000 but to be eligible under the 80 percent of area median income criteria, the income could not exceed \$48,500.

Mr. White stated that while last year the County exceeded the previous year by \$3 million on the leverage side, all programs met or exceeded their goals for the year, there is much more to do. He said

that the Housing Committee continues to work on long-term affordability – considering things such as deeds of trust, deed restrictions under proffers – and a private group is working on development of a community land trust. Mr. White said that he has been serving as an interim member of this group's Board of Directors as they move forward to create a 501(c)3, and their goals are not to develop housing but to acquire and provide stewardship over the land on which affordable housing would be built.

He also reported that the Housing Committee has begun discussions promoting the creation of affordable rental housing, and last year the Board supported three tax-credit applications. Mr. White said that to promote affordable rental housing it would take an increased commitment from the public sector – which means increased funding from them.

Mr. Rooker noted that Treesdale did not get the tax credits, and asked if there was anything the County could do to enhance the probability of getting those credits.

Mr. White explained that there is a statewide allocation plan managed by the Virginia Housing and Development Authority, and tax credits are very competitive. He said that Treesdale lacked points for not having an approved site plan, noting that they did not have funding for engineering yet; and the development has a high per-unit cost. Mr. White reported that Treesdale received 10 points out of a total of 240 points in one category for the efficient use of tax credits, brought on by the high per-unit cost as well as the amount of tax credits asked for per unit. He stated that the County cannot really do anything about that, but hopefully as they submit a site plan County staff can help them with the process. In his opinion, they are going to have to do a lot of value engineering on the project before it is going to be successful for tax credits.

Mr. Slutzky responded that he understood one factor in the high per-unit cost had to do with the County's parking requirements, and asked if it would have an impact if that requirement were revisited.

Mr. White replied that Treesdale is considering a double-deck parking facility instead of being under one of the buildings, and that could give them an opportunity to put a community center there instead of in a separate building. He said that with Parkview at South Pantops, the developers made a case based on similar projects they managed in other areas that the parking requirements were greater than what was needed for their population. Mr. White stated that if AHIP brings such a request back, the County could look at it.

Mr. Davis commented that that's available to AHIP as an administrative waiver if they choose to pursue that.

Mr. Slutzky added that perhaps the County could signal AHIP about that option.

Ms. Mallek asked what Treesdale could do per unit besides the parking.

Mr. White responded that they proffered an Energy Star or LEED-certified building, which adds some cost.

Mr. Slutzky said that his impression from AHIP was that was an incremental increase, but not the lion's share of the cost.

Mr. White noted that site development has been fairly expensive – with \$2.2 million allocated for those costs – and a road put through another individual's property as well as a stoplight on Penn Park Lane and significant retaining walls on the back of the property to get the buildings in. It is a costly project all around.

Mr. Rooker noted that one area of the biggest unmet needs is people who are 30 to 40 percent AMI or below for rental units, and to meet that need projects like this must be approved and must get tax credits to make them feasible. The Board needs some ongoing feedback on what it can do to facilitate that process. He asked if there is any opportunity for the public to lobby the organization that makes the tax credit allocation decisions.

Mr. White explained that the tax credit allocation is formula-driven, and very objective. The Board's letter of support gives them maybe 50 points, if you just gave a neutral letter they would get 25 points, if you said we do not like the project they would lose 25 points. That is about the extent that local government could sway the decision.

Mr. Rooker asked about the impact of letters en masse from the general public.

Mr. White replied that it might be taken into consideration, but the scoring system is fairly objective.

Mr. Slutzky said that the objective criteria could be challenged – as in the case of no credit for green buildings when other jurisdictions give this.

Mr. White responded that annually the VHDA modifies their allocation plan and puts it out for public hearing and public comment, so that would be an appropriate place to address some of those issues.

Mr. White continued and reported that the Housing Office is working with Finance on a way to put local funding for housing into a special account, rather than part of an operating budget, as developing

real estate does not always fit neatly into a fiscal year. Mr. White said that they have a special fund set up for the Crozet Crossing Housing Trust Fund, and he hopes to come back with a recommendation to the Board for all housing dollars to go into a single fund – including proffered money – and the Housing Committee would then come up with a recommendation to the Board for funding projects out of that fund. He also mentioned that the Committee has two representatives, along with the Board's representative, on the City/County/UVA. Affordable Housing Task Force. The group hopes to have a report within the next few months.

Mr. White said that the Housing Office is striving to continue to address affordable housing needs in the County through policies, partnerships, and ability to leverage funds. He stated that there will likely be downturns in production numbers for the current year – particularly in home ownership – due to changes in the real estate market over the last nine months, but he hopes to share successes in leveraging and assistance provided next year.

Mr. Slutzky asked about the “lease by month” graph under vouchers, as 2008 seems considerably lower.

Mr. White replied that he believes 2008 is improving, as they were at the end of their waiting list in the Fall 2007, but it was reopened in November and closed in January – since then there have been significant increases in successful lease-ups because it is a new waiting list with current people on it. They are seeing a lot of people turned down based on credit and income reasons.

Mr. Slutzky noted that that would be addressed through the recommendations of the joint task force. He also asked how much of the \$11 million leveraged was going to the under 30 percent AMI in the community.

Mr. White responded that almost 100 percent of the Housing Choice Voucher Program is going there – about \$3 million; about 40 to 45 percent of total is going to that lower income bracket.

Mr. Rooker noted that the Rehab and Emergency Repair Programs seems to serve those with about 30 percent AMI on average. Mr. White said that is correct.

Ms. Thomas mentioned that there is a lot of apartment building going on in the City that would likely absorb a lot of University staff and students, but this has not in the past translated into increased availability of County apartments as people turned them into condos instead. She asked if Mr. White saw any hope for getting an increase in those rental units.

Mr. White said that there has been a lot of discussion about this on the task force, and U.Va. representatives seem to understand the issue and hope to address some things on campus to give students more opportunities. He stated that any time there is an increase in inventory it is hoped for some level of “trickle down,” but there is no way to predict how much.

Ms. Mallek stated that many farmhouses that are rented to students have been empty (unrented) and there have been many rent adjustments to get people occupying these buildings.

Mr. Dorrier asked if the Housing Office had been in contact with IMPACT representatives.

Mr. White responded that they serve on the task force and regularly attend Housing Committee meetings as well as having other interaction with the Housing Office.

Ms. Mallek asked if there was a limited time when people could sign up during registration for the waiting list.

Mr. White answered that Housing has two waiting lists: preference and non-preference – and the preference is for those who live and/or work in the County. He explained that the list was set up to exhaust the preference list first, but his office let that get depleted and started calling non-preference people who did not show up. Mr. White said that they put out notices, open the list up and keep it open for the length of time deemed necessary to get an adequate number of people, then they put out a notice to close it.

Mr. Boyd thanked Mr. White for his report.

Agenda Item No.11 Western Park Master Plan Update.

The Executive Summary forwarded to Board members stated that Western Park is a 35.8 acre property proffered during the Old Trail rezoning process. An additional proffer included funding in the amount of \$50,000.00 for the development of a park master plan. The master plan funding included a condition that the master plan be completed within two years of the receipt of funds by the County. The County received this funding in September 2006.

The County has retained Rieley and Associates to develop the master plan for Western Park. The master plan process is being guided by a committee of Crozet area residents and County staff. The committee includes representatives of the Crozet Community Advisory Council, the Crozet Community Association, the Crozet Park Board and Old Trail Development. The Committee began meeting in February and the first general public meeting was held in late March at Western Albemarle High School for the purpose of describing the site and to begin receiving public input on the desired development

features of the park. In late April, County staff and the project consultants met with Western Albemarle Leadership Class students over a three-day period, including a site visit, to receive input on the park. In early May, a presentation was made to the Crozet Community Association and to date numerous comments have been received through the Western Park project page on the County's website. From the site analysis and comments received to date, the consultants have developed a preliminary concept plan which will be presented to the Master Plan Committee, Planning Commission and Board of Supervisors in late May and early June for information and comment. The preliminary concept plan will then be presented throughout the Crozet community at various focus groups and will be presented to the Crozet Community Advisory Council on June 19 and the Crozet Park Board on July 2. The preliminary concept plan will also be presented at a general public meeting in Crozet on a date to be determined. It is anticipated that the final Western Park Master Plan will be completed by the end of August.

The Western Park Master Plan is being funded by a proffer from the Old Trail rezoning. County funding for park construction is not available until July 1, 2010 in the current approved CIP.

This status report and preliminary concept plan is being presented for information and comment only. No action is required by the Board at this time.

Mr. Pat Mullaney, Director of Parks and Recreation, reported that his purpose today is to provide an update on the Western Park Master Plan process. The Park is a 35.8-acre property received during the Old Trail rezoning. There is an additional proffer of \$50,000 to develop a master plan for that Park. The master plan funding included a condition that the plan be completed within two years. The funds were received in September 2006. He said that they are on schedule to have the master plan completed by the end of August. Riley & Associates have been retained to develop the master plan for the Park with the process being guided by a committee of Crozet area residents and County staff. Mr. Mullaney explained that they are midway through a very extensive public participation process as detailed in the Board's executive summary. He then introduced Mr. Will Rieley who will present the preliminary concept plan.

Mr. Rieley addressed the Board, expressing his thanks to Mr. Mullaney and Mr. Bob Crickenberger for their excellent guidance through the early parts of this process. He also thanked Ms. Lee Catlin and Ms. Britton Miller, who have been helpful in the public input process – which has included eight or nine very well-run public meetings. Mr. Rieley said that Mr. Cal Morris has helped facilitate these meetings and has done a great job, adding that the design committee on which Ms. Mallek serves has provided good and clear guidance. He expressed his surprise at the consensus that has been reached related to the general direction of the Park.

Using a power point presentation, Mr. Rieley reported that the site is approximately 30 acres along Lickinghole Branch. His firm has done a series of maps that shows the relationship of this Park to the other parks, educational and recreational facilities in the Crozet area, with a series of environmental overlay maps. He said that there are three categories of hydrologic constraints – the floodplain, the floodway, and wetlands. Mr. Rieley said that a strategy discussed has been merging the small patches of wetlands into a really big wetland that has more impact on the ecology and the fauna associated with wetlands. He stated that many of the slopes on this site are in open area, with flat areas up above and emerging native plants such as poppy, and some of the steeper slopes overlook the creek. Mr. Rieley noted that there is not much land here that is buildable, but it is a sensational spot for a park with a creek that comes out of the national park and is healthy ecologically, noting that Committee member Karen Arch mentioned seeing a Marsh Hawk on the property. He said that there are opportunities for woodland ponds, expanded wetlands, and possibly even covered bridges on pedestrian walkways.

Mr. Rieley stated that the need for natural areas and easy access into them came up the highest on the Countywide needs assessment, and the trails in this project are adjacent the greenway – possibly with bicycle access and other trails with a softer surface. He added that they want to have some trails that are much more rustic, and there could be opportunities for outdoor classrooms – even using the steep slopes for an “amphitheatre.” Mr. Rieley said that there would certainly be picnic shelters, and the Committee has discussed the possible style as being stone and rustic wood instead of painted shelters. He reported that there would also be inside rooms – restrooms, meeting rooms – that might be joined to picnic facilities.

Mr. Rieley said that there has been a lot of public response on having a picnic shelter/pavilion that is elevated, and the Committee agrees it should be the “best picnic pavilion in the state of Virginia” and a signature piece for this area. He also mentioned lighting might be a part of this, with fixtures that look like they belong in Crozet, and playgrounds that look and feel like they are indigenous to the area. Mr. Rieley said that the Committee has considered tennis courts and there has been a lot of support for a skateboard park. The site cannot include enough playing fields on the site so it has been generally agreed that play areas for unstructured games would be better.

Mr. Rieley said that there are things that can be brought into the park – such as inflatable screens for movie showings. He also stated that the Committee has been interested in having additional native plants introduced, and has talked about joining the wetlands to help free up land for play. Mr. Rieley reported that their initial plans all ended up with the parking, main picnic pavilion, playground, etc. being on the main buildable parcel of land – which is a dividing line between the active recreational activities occurring to the northwest and more natural parts of the park to the southeast. He also said that the Committee has discussed the possibility of parking along the street, which is done in the village center of Old Trail, to keep it out of the park. Mr. Rieley reported that there is an area next to the creek for adults to play croquet, badminton, etc., and there are plans for bridges to cross the stream in several locations.

Mr. Rieley said that on the opposite side of that, there is a combination of meadows and wetlands with slopes planted with native trees of the area, and an opportunity for a tennis court that is close to the pool in Old Trail. He mentioned that there would be some open water in the middle of wetlands, with boardwalks going through them and a trail ascending the wooded hillside and a prospect point that looks down over Lickinghole Creek. Mr. Rieley said the trail connects on both sides that will lead to Crozet Park and Brownsville Elementary School, and there is potential for a skate park tucked into the valley, although there may be other locations in Crozet for that. He concluded that they are testing all of these thoughts with a lot of people. The Committee is anxious to get comments back from the Board.

Mr. Boyd asked if this would be considered a community park – rather than a regional park – as that would diminish the need for extensive parking.

Mr. Rieley replied that he agreed with the community park assessment, and they are hoping that many of the visitors will arrive via bicycle or foot. He said that they are just getting to that level of detail, and it is hoped that there will be sufficient parking to allow visitors from all parts of the County.

Ms. Mallek noted that people would need to be able to bring in coolers for picnics, and to come from the other side of Crozet.

Mr. Boyd commented that it seems like an awfully expensive project, noting that it is slated for 2010.

Mr. Mullaney responded that there is \$1.8 million in the FY 10-11 budget, and this is a master plan that would not be completed all at one time – but may phase out over a 10 or 15 year period.

Ms. Thomas asked if this is right next to the town center commercial area.

Mr. Rieley indicated on a map the area and said it is close, which is an asset for both the town center and the park. He said that the connections should be easy and obvious, and from a practical perspective people will find parking in various places.

Mr. Rooker noted that the whole area is going to have sidewalks, and the road leading into the park would be connected to the rest of the community.

Mr. Rieley responded that is correct, and added that they want the trail system to net into the sidewalk system for easy access.

Ms. Mallek said that there should be trail maps to show how to navigate the paths. She added that there is a lot of community support and involvement in this project.

Mr. Boyd commented that Mr. Morris called him to let him know that another obligation prevented him from being here for this presentation. Mr. Rieley commented that Mr. Morris has been a tremendous asset in this process.

Agenda Item No. 12. Draft Safer Chemical Management Procedure.

Ms. Sarah Temple reported that the Safer Chemical Committee has worked on this for the last eight or nine months. This procedure has allowed them to strike an achievable balance between the two different sides. She explained that the County started exploring and testing greener and safer chemicals in 2005 after Local Government and the School Division adopted an Environmental Management Policy that committed the County to pollution prevention. Ms. Temple said that around the same time, there was an increased stakeholder interest in the types and amounts of chemicals being used, and that concern intensified over the next several years. She stated that the Friends and Advocates for Children, Teachers, and Students (FACTS) came to the Board a year ago to express concern, which is when the Board became involved. Ms. Temple reported that after that the Parks and Recreation Department imposed an interim ban on using any synthetic product on grounds. She added that the County Executive and School Superintendent were charged with forming an internal County committee to look at developing a policy on safer and greener chemical management – forming the Committee in July 2007 – with nine meetings to develop the draft procedure. Ms. Temple then provided Board members with a list of Committee members: Parks & Recreation: Pat Mullaney, Director, Tim Hughes, Maintenance, and Matt Smith, Maintenance; School Division: Lindsay Check, Environmental, Pam Snyder, Custodial, and Richard Deane, Maintenance; General Services: Sarah Temple, Environmental, and Michael Freitas, Public Works; Human Resources: Pam Carter, Safety & Wellness; and External: David Slutzky, Supervisor, Kristy Davis, UVA, Thomas Pajewski, M.D., UVA, David Easton, Health Dept, and Peter Warren, Extension.

Ms. Temple reported that the Committee decided that it wanted to focus on the areas of custodial grounds and indoor pest management, as this is where the majority of products are used, and they assessed the current product inventory as a starting point. She said that the County has been using the MSDS online system, which made it easy to establish what is being used. The Committee broke into subcommittees to match functional areas – grounds management, multi-purpose cleaners, and integrated pest management. Ms. Temple said that they looked at alternative products and their effectiveness, as well as cost benefits of each. She stated that they considered an administrative policy and a procedure, and the Legal Department suggested that the Committee work within the existing environmental management policy that already commits the County to pollution prevention, with the compliance

managers overseeing implementation. Ms. Temple said that they are hoping to get the Board's approval today as it is going to the School Board in July.

Ms. Temple said that custodial management procedure stipulates that any cleaning product will be certified by one of three green certification systems – Green Seal, Green Guard, or Environmental Choice – and staff's intent is to add names to this list as other programs become known and are researched. She stated that these systems have stringent safety and environmental requirements, so that undiluted form cannot be toxic to humans. Green Seal is the most widely recognized but the others are gaining more attention. Ms. Temple reported that the subcommittee was able to find available alternatives for multi-purpose cleaning and floor finishing, but is still having trouble finding replacements for specialty items such as stainless steel cleaners.

She mentioned that disinfectants became a topic of major contention in the Committee, noting that historically the Local Government and School Division have routinely disinfected high-touch surface areas in bathrooms, toilet bowls, toilet seats, etc. Ms. Temple said that several Committee members raised concern that these products unnecessarily expose custodians and building visitors to toxicity. She noted that the County's Safety Manager, Pam Carter, and others worked on the disinfectant subcommittee to find peer review journal articles and hard data to substantiate either side, adding that their "Option A" was supported by 11 or 12 out of the 14 committee members. Ms. Temple explained that this basically leaves the decision of routine disinfection up to the Custodial Operations Manager, as there was no convincing evidence found that this was causing long or short-term health issues. She mentioned that custodians are using these products after hours, wearing proper protective equipment, and are using products with a Hazard Material Identification System scale rating of 1, which is low toxicity.

Mr. Rooker commented that in the materials provided to the Board Option A and Option B look identical to him.

Ms. Temple replied that Option B states disinfection would occur only in the event of a blood-borne pathogen incident or as directed by the Department of Health; Option A provides the ability to routinely disinfect.

She explained that the grounds management section is an informal integrated pest management program, with a first tier step of eliminating pesticide use when practicable – such as weed-eating along fence lines instead of using Round-Up; in tier two they are also using organic replacements such as Burn-Out but it hasn't been quite as effective. Ms. Temple said that the third tier outlines five exceptions where non-chemical products have not been successfully tested, such as poison ivy treatment.

Ms. Temple reported that for integrated pest management, the Committee recommends setting up a formal IPM program for indoor pest control, taking a reduced toxicity approach where physical means are used as a first line of defense. She added that they feel that all schools and Local Government buildings can be on a formal IPM program by August 2008, and some schools have already implemented one.

Ms. Temple said that the last part of the procedure includes a waiver process and audit process, so if there is an unexpected situation Division Managers can submit a waiver request. She and Lindsay Harris will review the waiver requests and grant or deny them. She said they will also do an audit for the first few years to ensure the program is being implemented, and retain reports. Ms. Temple stated that the majority of the costs associated with the program come from increased product costs and labor costs; use of corn meal gluten impacts the cost as it is expensive. She added that they are hoping to fully implement the procedure by January 2009, and the program will be updated each year.

Mr. Slutzky commented that it was a great process to work with staff this closely on a project, and everyone involved put a lot of time into this. He said that he had a strong bias toward an absolute ban, and believes he pushed staff more in that direction. Mr. Slutzky said that the Committee reached a middle ground, and he recommends either adopting this or deciding to implement an all-out ban even though it might result in negative staff morale. He stated that he is not entirely comfortable with the options as presented, noting that sanitizing is effective but not as effective as disinfecting. Mr. Slutzky noted that staff's conclusion is based on the assumption that germs are bad and there are no known adverse health effects with chemical compounds; his argument is that there are many avenues by which children will be exposed to germs and would instead be exposed to chemical compounds.

Mr. Boyd emphasized that this is a decision for the School Board.

Mr. Davis agreed, stating that the School Board has domain over the schools and the staff report tried to make it clear that County implementation on County property is up to the County; the School Board would decide on their facilities in July.

Mr. Slutzky said that children would be most affected, but acknowledged that the decisions for schools and Local Government would be made separately. He stated that his argument for not using disinfectants is that children are constantly touching germ surfaces and to isolate bathrooms, as a specific place, is a legacy from earlier thinking. Mr. Slutzky said that there is an argument that chronic exposure of germs to disinfectants might make them resistant to those products, although the Committee could not find persuasive information that demonstrated that. He mentioned Alameda County, California, which implemented an all-out ban on disinfectants and hadn't experienced any significant increase in disease outbreak.

Mr. Rooker asked what products would be used in sanitizing.

Mr. Slutzky and Ms. Temple responded that general cleaning agents, such as soap, would be used.

Ms. Temple said that there have been MRSA outbreaks in schools, and some experts contend that routine disinfecting keeps viruses and bacteria at bay.

Mr. Slutzky responded that Parks bathrooms are not disinfected routinely.

Ms. Temple said that those facilities are not used as much as schools.

Mr. Rooker noted that there was a MRSA outbreak at a school this year.

Mr. Slutzky replied that those situations can be responded to as needed, and that's built into the policy. He also mentioned that he is not in favor of the broad application of herbicide.

Mr. Mullaney clarified that that provision refers to a one-time application when converting a field to Bermuda grass. Mr. Slutzky said he is fine with that.

Mr. Slutzky pointed out that even though products being used in the County have not been demonstrated to be dangerous, given the history of many chemicals the safer route would be disallowing the compounds entirely except under emergency circumstances. He would prefer that this be adopted without the disinfectants.

Mr. Dorrier asked him to clarify what he meant regarding his previous comment on the impact on staff morale.

Mr. Slutzky responded that there is concern that custodial staff and Park's staff might feel the presence of weeds, etc. is somehow a reflection of their work.

Ms. Thomas pointed out that Mr. Slutzky's opinion on the full-out ban is not a reflection of the policy as agreed upon by the Committee.

Mr. Dorrier said that he is in favor of the more moderate policy proposed by the Committee.

Ms. Thomas mentioned that her brother had recently passed away from the effects of a black widow spider bite, so she is hypersensitive to the issue of pest control. She comes down on the side of supporting the proposal, recognizing that it is a work in progress. She supports the disinfecting over just sanitizing as when she was on the School Board students often expressed their displeasure with the cleanliness of bathrooms.

Mr. Slutzky responded that the disinfectant has no effect on the perception of cleanliness.

Mr. Rooker said that the County is "miles ahead" of where they were when this process started, and thanked people in the public for their attention to the issue. He supports the policy as approved by the Committee, but would support Option B regarding County facilities as he does not see any reason why cleaning and sanitizing is not sufficient as there is less traffic than in school buildings. Mr. Rooker noted that chemicals would be used in specific situations as needed.

Ms. Mallek commented that she has little faith in the ability of the EPA to test and regulate anything – noting the effects of Bendectin and Thalidomide on fetuses – and babies now are getting chemicals before they are born through their environmental and mothers' exposure to chemicals. She noted that there is nothing that can be sprayed that is much more effective than soap, water, and careful cleaning. She would prefer the entire ban, but also supports Option B.

Ms. Thomas said she would be willing to go with Option B for Local Government facilities.

Mr. Davis clarified that the Board adopted an Environmental Management Policy in 2004, and this is one component of that Policy – implemented by the County Executive through various environmental management procedures. To be consistent, the Board should provide direction to County Executive for adoption of this policy as an environmental management procedure.

Motion was then offered by Mr. Rooker to direct the County Executive to implement the Environmental Management Policy in a manner consistent with this report, using Option B under A-2. Mr. Slutzky **seconded** the motion.

Ms. Thomas asked if the financial impact should be discussed.

Ms. Temple responded that the \$25,000 to \$50,000 estimate would be incurred primarily by Parks and Recreation, and it is beyond what is in their operating budget.

Mr. Tucker explained that staff would need to bring back a request for an additional appropriation, which would come from the Board's Reserve.

Ms. Thomas said she does not want to pass this policy and expect Parks and Recreation to squeeze it into their budget.

Mr. Rooker said that he would support the appropriations necessary within the range presented by staff to implement this. He thinks it is important for the County to move forward on this front.

Ms. Mallek asked if there would be more information provided about how and when emergency treatments would occur. She does not want to wait a year to get a report.

Mr. Boyd responded that the Board should not micromanage staff to that extent.

Ms. Temple said that they are tracking the use of chemicals. The information is available at anytime for those who want to see it.

Ms. Mallek said she would like to receive an email on a regular basis.

Mr. Tucker suggested a quarterly report be provided. Board members and Ms. Temple concurred.

Mr. Boyd said he appreciates the public for bringing this to the Board's attention and for all the input. He also appreciates the work of the Committee. He agrees that the County has moved forward in dealing with this problem. He is glad there would be an annual audit, and he is very much in favor of this process.

With no further discussion, roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The Policy is set out below:)

Safer Chemical Management Procedure

County of Albemarle			Subject: Safer Chemical Management / Integrated Pest Management		
Document No.:	Issue Date:	Last Revised:	Page:	Prepared By:	Approved By:
SOP-CHEM-01		05-20-2008	27 of 4	LAC/SET	

1.0 Purpose

The purpose of this procedure is to ensure a safer approach to the selection and application of custodial, grounds and pest control operations within the County of Albemarle, as the County aims to minimize chemical usage to the greatest extent practicable in its day-to-day operations and activities. This procedure is intended to be implemented as part of the County's and Schools' respective Environmental Management Policies.

2.0 Definitions

- A. **Carcinogens** refer to any substance or agent that can cause cancer. Compound listed in the latest edition of the Annual Report on Carcinogens, U.S. Department of Health and Human Services, National Toxicology Program as known or reasonably anticipated to be carcinogenic.
- B. A **disinfectant** is used on hard inanimate surfaces and its objective is to destroy or irreversibly inactivate infectious fungi and bacteria but not necessarily their spores. Disinfectant products are divided into two major types: hospital and general use. Hospital type disinfectants are the most critical to infection control and are used on medical and dental instruments, floors, walls, bed linens, toilet seats, and other surfaces. General disinfectants are the major source of products used in households, swimming pools, and water purifiers. (EPA: Pesticides – Antimicrobial Pesticide Products Factsheet; <http://www.epa.gov/pesticides/factsheets/antimic.htm>)
- C. **Endocrine disruptors** are exogenous substances that act like hormones in the endocrine system and disrupt the physiologic function of endogenous hormones.
- D. **Integrated Pest Management (IPM)** is a pest control strategy that promotes the use of a variety of tactics including pest-resistant cultivars and biological, cultural, and physical controls. Pesticides are a control tactic employed in IPM, but are only used when needed. When a pest problem is identified and non-chemical means are exhausted, only the least toxic and most effective pesticide is used.
- E. A **mutagen** is a physical or chemical agent that changes the genetic information (usually DNA) of an organism and thus increases the frequency of mutations above the natural background level.
- F. A **neurotoxin** is a substance that is poisonous to nerve tissue (i.e., lead, mercury).
- G. A **teratogen** is any medication, chemical, infectious disease, or environmental agent that might interfere with the normal development of a fetus and result in the loss of a pregnancy, a birth defect, or a pregnancy complication.
- H. A **sanitizer** is used to reduce, but not necessarily eliminate, microorganisms from the inanimate environment to levels considered safe as determined by public health codes or regulations. Sanitizers include food contact and non-food contact products. Sanitizing rinses for surfaces such as dishes and cooking utensils, as well as equipment and utensils found in dairies, food-processing plants, and eating and drinking establishments comprise the food contact Sanitizers. These products are important because they are used on sites where consumable food products are placed and stored. Non-food contact surface sanitizers include carpet sanitizers, air sanitizers, laundry additives, and in-tank toilet bowl sanitizers. (EPA: Pesticides – Antimicrobial Pesticide Products Factsheet; <http://www.epa.gov/pesticides/factsheets/antimic.htm>)
- I. **Volatile organic compounds (VOCs)** are gases emitted from certain solids or liquids, which may have adverse health effects (i.e., paints, varnishes, pesticides, cleaning supplies). (<http://www.epa.gov/iaq/voc.html>)

3.0 Procedures

A. Custodial Operations

Custodial categories include multipurpose cleaners (e.g. surface cleaners, floor cleaners), specialty cleaners (e.g., floor strippers, floor finishes and glass cleaners) and disinfectants.

1. Multipurpose and Specialty Cleaners
 - a. Products used shall be certified by Green Seal, Green Guard or Environmental Choice
 - b. If a product does not have such certification, the product shall not contain carcinogens, mutagens, teratogens, endocrine disruptors, or neurotoxins, and contain low or no volatile organic compounds (VOC).
2. Sanitization and Disinfection
 - a. High-touch areas will be routinely cleaned or sanitized as deemed appropriate by the manager overseeing custodial operations for the facility.
 - b. Disinfectants shall be used in response to blood-borne pathogen or bodily fluid incidents, in response to viral outbreaks, or as directed by the Virginia Department of Health (VDH).

B. Grounds Care

"Grounds care" includes both the management of grounds and outdoor pests.

1. Grounds care departments will continually evaluate the feasibility of changing traditional practices in the interest of eliminating chemical usage (e.g., manually pulling weeds).
2. If it is determined that a chemical application is necessary, then organic or biologically-based alternatives shall be used, with the following exceptions:
 - a. Treatment of stumps of woody invasive species and poison ivy
 - b. Use of non-selective herbicides for spot-treatments of skinned areas of baseball infields and warning tracks as needed
 - c. One-time application of broad-leaf pre-emergent herbicide to reduce broadleaf weeds, so that Bermuda grass can compete with crabgrass for establishment of a new field
 - d. Emergency spot treatment for grub worms
 - e. Spot treatment of parking lots, along rip-rap and in ditches
3. Any County employee or contractor applying pesticides on County or School Board-owned property must hold a current Registered Technician or Commercial Applicator License as issued by Virginia Department of Agriculture and Consumer Services (VDACS).
4. Each application of pesticide or herbicide must be documented on the "Pesticide/Herbicide Tracking Log" (Appendix A), including the amount applied, active ingredient and application location. Tracking logs will be maintained by the Environmental Compliance Managers.

C. Indoor Pest Management

A formal Integrated Pest Management (IPM) program for each school and local government building will be completed by August 2008. IPM procedures will be incorporated as a separate procedure of the Environmental Management Policy. Until a separate IPM Procedure is completed, the following steps will be used to make a decision regarding each indoor pest management need:

1. Physical means of preventing pests will be implemented first.
2. When pesticides are used, only the least toxic with the most effective outcome shall be used.
3. Records of all pesticide applications indicating the amount of pesticide, active ingredient and affected area will be maintained by the Environmental Compliance Managers.

D. Employee Safety

1. County employees will have access to Material Safety Data Sheets (MSDS) for all products used. Employees shall follow all guidelines and instructions listed on MSDS, including personal protective equipment (PPE) recommendations.
2. Hazard Communication (HAZCOM) training shall be provided to all employees before use of any product requiring a MSDS.

E. Annual Audit

An annual audit of this procedure will be conducted by the Environmental Compliance Managers. An audit report will be presented to the Board annually for review.

F. Waiver Process

If a situation arises requiring the use of a product that does not meet the above specifications (e.g., not Green Seal certified), then a waiver must be applied for and approved before a product may be purchased or used:

1. The Waiver Request (Appendix B) shall be submitted to the Environmental Compliance Manager for the schools or local government, as appropriate, and shall include: the purpose of the requested chemical, the MSDS, the area where the chemical will be used, the anticipated frequency and duration of use, application technique, and anticipated usage amount.
2. If a waiver is granted, the written waiver will include an expiration date, and alternatives consistent with the procedure must be explored when the waiver expires. All granted waivers will be presented with the annual audit results to the Board.

G. Exemptions

Exemptions to the waiver process include (1) emergency situations that could impact human health or safety, and (2) practices required in order to maintain insurance policies. If an emergency situation

requiring chemical use arises that is not identified in this section, the request for use of a product or practice must go through the Waiver Process, as described in Section F. The following are exemptions to Sections A, B, and C of this procedure:

1. Treatment of bees, wasps or hornets
2. Periodic termite treatment or other insurance-related pest control requirements

Appendix A

Pesticide / Herbicide / Fertilizer Application Records

Date	Time of Application (Indicate AM or PM)	Site	Pesticide/ Herbicide/ Fertilizer?	Brand Name (Be as Specific as Possible)	Amount Applied (gallons - otherwise indicate units)	Type of Area Treated	Size Area Treated	Treating For?	Re-entry Time? (N/A if not applicable)	Name of Applicator

Agenda Item No. 13. Closed Meeting.

At 1:16 p.m., **motion** was offered by Ms. Mallek to go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (1) to conduct an administrative evaluation; under Subsection (3) to consider the acquisition of real property necessary for two public safety facilities; under Subsection (3) to consider the disposition of County property required to be relinquished by a deed restriction; and under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an amendment of an interjurisdictional agreement relating to public safety services.

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

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

Agenda Item No. 14. Certify Closed Meeting.

At 2:45 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Mallek to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

Agenda Item No. 15a. Boards and Commissions: Vacancies/Appointments.

Due to time constraints, this item was moved to later on the agenda.

Agenda Item No. 16a. Transportation Matters: VDoT Monthly Report/Advance Mills Bridge Update.

Mr. Allan Sumpter, VDoT Charlottesville Residency Administrator, reported that VDoT has discussed with environmental officials the status of the Memorandum of Agreement between consulting parties on the Advance Mills Bridge, and a draft agreement is expected by the end of this week. He also said that work is continuing on other environmental documents – environmental assessment, categorical exclusion, 4F documents, and environmental surveys – and they are essentially complete. Mr. Sumpter also said that there has been some question about the impact of those on a public hearing, but that process can proceed with the documents in draft form. He noted that the public hearing is scheduled for Tuesday, July 8, 2008, from 5:00 p.m. to 7:00 p.m., at the Best Western Charlottesville Airport Inn & Suites, Rivanna Room, South of Ruckersville.

Mr. Sumpter reported that there have been requests to post information about the Durrett Bridge closure, which will happen next week – replacing beams, the deck, and adding handrails to make it a legal load bridge. Assuming there are no weather delays, the bridge is expected to be open by the end of next week.

Ms. Mallek asked if they would put some portable signs up in the Corner Store area and in Earlysville.

Mr. Sumpter responded that they were planning to do that and he would follow up. He also reported that the detour sign installation is in progress, and the guardrail would be put in now that the slopes have been widened.

Agenda Item No. 16b. Transportation Matters Not Listed on the Agenda.

Ms. Mallek asked Mr. Sumpter to comment on the July 1st enacted provision to give Boards the authority to establish school zone speeds, restricted to 600 feet from the school door.

Mr. Sumpter replied that he would get some clarification, as there are some conditions as to the Board's latitude to institute limits. He said that 600 feet is the distance allowed for restriction.

Mr. Sumpter indicated that there have been several pedestrian accidents in the last few months, and VDoT is undertaking a study of Hydraulic and Rio Roads to implement improvements that will help the situations. He said that VDoT is looking at an ongoing process for pedestrian improvements, and funding for those would need to be considered – using safety money, Six-Year Plan line items for incidental improvements, etc. Mr. Sumpter stated that VDoT Area Traffic Engineer, Bill Parman, is present today to address the potential improvements.

Mr. Parman said their strategy and focus is on signalized intersections. VDoT is focusing on areas where improvements would have an impact, with short-term improvements such as signs and pavement markings done first. He added that a lot of this depends on funding, design, construction priorities and schedules. He explained that Rio Road East (Route 631) is classified as an urban collector, with 21,000 to 26,000 vehicles per day according to 2006 VDoT data. Mr. Parman stated that the general study area was from Penn Park Road to Fashion Square and Albemarle Square, with the speed limit of 40 mph and a bike lane. He also said that Rio Road West is classified as an urban collector, with 18,000 vehicles per day on the general study area of Berkmar to Rio Road, Earlysville Road intersection; there is a bike lane from Berkmar to Lambs Road where the High School is and a speed limit of 35 mph. Mr. Parman stated that Hydraulic Road (Route 743) is classified as an urban minor arterial, with average daily traffic at 18,000 to 23,000 vehicles per day with a study section of Rio Road/Earlysville to Commonwealth, and a speed limit of 35 mph.

For the short term improvements, Mr. Parman said the bike lane markings would be improved, particularly on Rio Road West, and signs would be placed to advise motorists of upcoming turn lanes – especially near Putt Putt on Rio Road East.

Mr. Rooker asked if VDoT was using reflective paint now.

Mr. Parman responded that they would be using a new longer-lasting paint, and that would be coordinated with repaving so it is not covered up.

Mr. Slutzky mentioned that the intersection at Putt Putt is a bedlam intersection, not controlled, and there is a serious issue of safety there. He emphasized the importance of making pedestrian crossings safer there.

Mr. Benish said that they are looking at more enhanced improvements being considered for the long term, and initially VDoT is focusing on short term.

Mr. Slutzky asked if a "yield to pedestrian" sign could be installed. Mr. Parman responded not for crossing Rio Road. Mr. Slutzky asked about installing the sign across from Putt Putt. He is concerned about motorists turning right from Rio Road into Putt Putt. He asked if the signage is to warn motorists or bicyclists or pedestrians. Mr. Parman said the sign is to tell the motorist to look out for bicyclists when turning right into the turn lane so they do not cross over and hit the bicyclist.

Mr. Parman stated that VDoT is working on measures that can be used at non-signalized intersections, and they are also trying to "fill some holes" to bring signalized intersections up to standard. He said that mid-term improvements would occur at Hydraulic Road and Commonwealth, with installation of a pedestrian signal at the existing crosswalk across Hydraulic with a push-button. Mr. Parman said that at Hydraulic Road and Georgetown there is pedestrian signal equipment but no crosswalk.

Ms. Thomas asked at what point these improvements are coordinated with the bus system, because that is a location where the bus unloads passengers in someone's backyard and there is no way to cross Hydraulic safely.

Mr. Benish agreed, stating that transit and bicycles need to be taken into account with improvements, and there may be options available beyond what VDoT can do; VDoT is focusing now on bringing pedestrian areas up to standard. He said that the coordination would begin this summer.

Mr. Parman mentioned a crosswalk on Georgetown Road and one on the other side of the intersection near the house trailer, but that intersection needs to be fixed.

Mr. Rooker responded that because it's a three-way intersection, people coming to take a right on Georgetown off Hydraulic do not stop, and perhaps some signage might help.

Mr. Parman said that the law is "right turn on red" permitted after a stop, yielding to all traffic including pedestrian.

Mr. Rooker replied that the law is evident, but a reminder is needed to yield for pedestrians.

Mr. Parman stated that the crosswalk at Hydraulic and Commonwealth would be improved. He also reported that long-term improvements at Rio Road East and Old Brook include installation of three pedestrian signals and crosswalks.

Mr. Slutzky commented that the Rio/Northfield/Hillsdale improvement is already being provided for under the Hillsdale Safety Improvement Project.

Mr. Parman confirmed this.

Ms. Thomas asked what a "pedestrian head" is.

Mr. Parman replied that pedestrian signal heads are the "walk/don't walk" lighted signals. He also said that he is striving to provide improvements at the most practical and logical locations - especially crossing the main lines.

Mr. Slutzky pointed out that it would be better to do improvements near Putt Putt, not Old Brook, as the spots closer to Route 29 are more dangerous and there would already be a crossover installed at Northfield.

Mr. Dorrier added that the intersection of Rio Road and Route 29 is the busiest in the County, and while there is a crosswalk there not many people use it.

Mr. Parman responded that VDoT and the County would be talking about Route 29 in separate meetings, noting that they can do both pedestrian and cycling improvements at Old Brook.

Mr. Slutzky said that the Mall crossover is a signalized intersection but no crosswalk and Putt Putt has no signal, noting that those are the places where people get run over and if funding is limited those two should be priorities.

Mr. Parman said that the signal at the Mall needs some rebuild and all the corners need a significant amount of work beyond what can be done in a reasonable time frame.

Mr. Parman stated that improvements at Rio Road and Penn Park depend partially upon getting something on the Penn Park side where pedestrians can stand and walk, as there is no sidewalk or trail in that area. He also said that he is going to recommend installing a pedestrian "box" at Rio Road West and Berkmar Road, and at Rio Road and Earlysville he is recommending installation of two pedestrian signals to try to cover the mainline crossing and at least one side-street crossing.

He then presented information on a pedestrian countdown signal for possible installation at the Albemarle High School and at Berkmar, which would help people determine how much time they have to cross.

Mr. Dorrier asked about the expense for that device.

Mr. Parman replied that they are a little more expensive than standard pedestrian crossings, but not much more. The costs depend greatly on the existence of poles and whether the road must be bored to get additional wire or conduits installed. He noted that the costs vary from several thousand up to \$15,000 or \$25,000 per location.

Mr. Parman mentioned that the Hydraulic project might be able to move up a bit, but he put it in the longer term because there is existing equipment there – two crosswalks and pedestrian signal – that he would like to replace with a countdown signal.

Mr. Rooker emphasized that there are more people crossing the roads there than anywhere in the County, and if there's one place to install a countdown signal it would be there; most of the crossers are kids.

Mr. Dorrier pointed out that there is lots of pedestrian traffic at Avon Street near the Jail.

Mr. Benish replied that Avon Street is the eighth priority on the high-priority list, and VDoT has focused for now on the top four priority areas.

Mr. Sumpter stated that this is the beginning of the process, and VDoT is taking a serious look at pedestrian options. He feels they need to get started somewhere with something and then they can progress and make further improvements as they go.

Mr. Slutzky expressed his appreciation of their work on this.

Mr. Rooker commented that the green reflective paint used by the University on pedestrian crosswalks makes a huge visibility difference noting that most of these roads started as country roads but have become urban routes for 20,000 cars a day. This paint could be used for visibility purposes.

Mr. Rooker said that there still seems to be a place on Route 29, at the Post Office, where the land is jutting out into the turn lane.

Mr. Sumpter responded that VDoT wanted to maintain separation between the traffic because of the volume going into the Post Office, and they do not want the traffic slowing down to turn causing accidents. VDoT made the decision to leave that as a clear separation.

Mr. Rooker said that there are all kinds of places that have continuous right and left-turn lanes, and people think that it is a continuous right turn lane and suddenly have to merge. He thinks it is a mistake to keep the lane separated. The idea of the improvement was to make it a continuous lane.

Mr. Parman explained that VDoT has studied that area, and when people come out of the Post Office they attempt to cross all the lanes of Route 29 to make a U-Turn, but when they are coming out of the second entrance they are continuing further down the road and turning right. It is not an easy maneuver because there is no crossover.

Mr. Rooker responded that there is the same volume of traffic and people now are going to try to jump back over.

Mr. Parman added that it also helps the busses.

Mr. Sumpter suggested taking a further look at this at another time, and if need be, make further revisions.

Mr. Rooker asked for an update on the schedule for Georgetown Road.

Ms. Thomas asked for an update on Dry Bridge.

Mr. Sumpter explained that the materials are arriving for the railroads, and VDoT has encouraged them to proceed as efficiently as possible.

Ms. Thomas said that she tried to get the DRPT more involved, but the representative did not offer to advocate on the County's behalf.

Ms. Thomas also reported that there would be a meeting on Batesville traffic calming in early July.

Ms. Thomas noted that the County had wanted a blinking light at Kenridge/White Gables.

Mr. Sumpter replied that the analysis is showing at build out that there would not be enough volume for a traffic light, and VDoT is not sure that putting a caution light in would be a wise move. They are looking at different ideas

Ms. Thomas said that the County is in a bind because of the timeline for money proffered for that.

Ms. Thomas noted that a majority of people did not want Red Hill School Road to be a rural rustic road, so the County will be sending out a letter to everyone who voted on that to let them know where things stand.

Mr. Dorrier commented that there was an accident on Route 726 – James River Road – near Totier Creek Reservoir. It is his understanding that a moving van met a car head on there resulting in injuries. It took two hours to clear the road. The main problem was with the sharp curve.

Mr. Sumpter said VDoT will take a look at it; they did not know about the accident.

Mr. Boyd mentioned the tragic accident on Route 29 North at the back entrance to Forest Lakes. The Homeowners Association has suggested holding a community meeting there. VDoT is conducting an engineering study of that intersection and what can be done.

Mr. Sumpter commented that the meeting is planned to take place the week of June 16. It will be publicized once the date is confirmed.

Agenda Item No. 17. **Appeal: SUB-2008-022. Bellair #5 Preliminary Plat.** Request for preliminary plat approval to create 2 lots on 2.066 acres. Zoned R-1 Residential Tax Map 76C-02 Parcel . Located on Deer Path Road (Rt 809) at intersection with Old Farm Road (Rt 846). The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 6. Samuel Miller Magisterial District.

Mr. Bill Fritz, Chief of Current Development summarized the following executive summary that was forwarded to Board members:

Lane Bonner submitted a subdivision application to subdivide Tax Map 76, Section 2, Parcel 5 ("Parcel 5") into two lots. Parcel 5 is located within the Bellair Subdivision. The Site Review Committee reviewed the preliminary plat for compliance with the Subdivision and Zoning Ordinances and recommended approval of the plat. At the request of several adjacent property owners, the preliminary plat was called up for review by the Planning Commission. The Commission reviewed the preliminary plat on April 22, 2008 and disapproved it by a vote of 6:0. The sole basis for the Planning Commission's disapproval was that the preliminary plat did not show the location and dimensions of a proposed private easement (the "driveway easement") as required by Albemarle County Code § 14-302(A)(4).

Parcel 5 abuts Tax Map 76, Section 2, Parcel 4 ("Parcel 4"), which is also owned by Mr. Bonner. (See Attachment A, page 5, which shows Parcels 4 and 5) Parcel 4 is developed with a house. Although both Parcels 4 and 5 have frontage on Deer Path Road, the house on Parcel 4 has historically been served by an unrecorded driveway that crosses Parcel 5 from Edgemont Lane. Mr. Bonner is also in the process of subdividing Parcel 4, and this past year he began construction of a driveway from Deer Path Road to the house on Parcel 4. Because that driveway crossed critical slopes, a critical slopes waiver was required since the existing driveway from Edgemont Lane already provided access to the house. The Planning Commission denied the critical slopes waiver on March 11, 2008, and that decision is now final. The proposed driveway on Parcel 4 also had to cross a stream and wetlands, and neither the Army Corps of Engineers nor the Virginia Department of Environmental Quality had approved the driveway's encroachment into those waters.

As part of the subdivision of Parcel 5, Mr. Bonner proposed to close the driveway serving the house on Parcel 5 and to provide access to the house on Parcel 4 by a driveway from Deer Path Road, across a portion of proposed Lot A of Parcel 5, to Parcel 4. Although final engineering for the driveway has not been completed, the intention is that the driveway will not have to cross critical slopes. Mr. Bonner's representative told County staff that the driveway would be located within the driveway easement. The general location of the proposed easement was shown on a drawing presented at the Planning Commission's April 22, 2008 meeting, but it was not shown on the preliminary plat. Because Albemarle County Code § 14-302(A)(4) requires that a preliminary plat show "[t]he location and dimensions of all existing and proposed private easements," the Planning Commission disapproved the preliminary plat for Parcel 5.

In his May 1, 2008 appeal letter (Attachment C), Mr. Bonner argues that the Planning Commission's action was in error because the "issue of driveway access to the adjacent parcel is not part of the required information to be shown on a preliminary subdivision plat. The adjacent parcel has frontage on a public road and can be accessed without an easement on [Parcel 5]." While it is true that the driveway easement is not required, Mr. Bonner proposed to establish a private easement and that was sufficient to require that it be shown on the plat as required by Albemarle County Code § 14-302(A)(4). In addition, since Mr. Bonner proposed the driveway easement, the fact that Parcel 4 has frontage on Deer Path Road is irrelevant to the application of Albemarle County Code § 14-302(A)(4). Although staff agrees that the Planning Commission properly disapproved the plat, staff believes that the failure to delineate the driveway easement on the preliminary plat did not materially affect the review of the plat and that the preliminary plat could be approved subject to a condition that the driveway easement be shown on the final plat. Staff has recommended a condition of approval to require that the driveway easement be shown on the final plat (Condition 4).

As an alternative resolution of this appeal, Mr. Bonner may withdraw his expressed intention to establish the driveway easement. Upon withdrawal of the proposed easement, the preliminary plat would comply with Albemarle County Code § 14-302(A)(4) and the Board could approve the preliminary plat subject to conditions 1 through 3 below. The Subdivision Ordinance does not impose an independent basis for requiring that the easement be shown.

Staff recommends approval of the subdivision plat subject to the following conditions:

1. Submittal of a plat meeting the requirements of Chapter 14, Section 303 of the Albemarle County Code.
2. The existing driveway accessing Edgemont Lane shall be closed.
3. Approval of maintenance agreement for "New 30' Access Easement".
4. The final plat shall indicate the location and dimensions of the easement to provide access to Tax Map 76C, Section 2, Parcel 4. This easement shall be for the exclusive use of Tax Map 76C, Section 2, Parcel 4.

In the alternative, if Mr. Bonner withdraws his proposal to establish the driveway easement, staff recommends approval of the subdivision plat subject to Conditions 1 through 3 as stated above.

Mr. Fritz said that the applicant has now confirmed that they have no intention of providing that easement, therefore the reason for the Commission's denial has gone away. Staff continues to recommend approval subject to three conditions.

Mr. Davis confirmed that the basis for the Commission's denial has been corrected, and it is recommended that the subdivision plat be approved subject to the three conditions.

Mr. Rooker noted that legally the plat must be approved because it meets all requirements of the ordinance; it is not a discretionary decision of the Planning Commission or Board.

Ms. Thomas asked if the Board has to approve plat, or if they could apply judgment on this.

Mr. Davis responded that staff has determined the plat to be in compliance with all requirements of the Subdivision and Zoning Ordinance, so unless the Board finds otherwise they are obligated to approve it.

Mr. Rooker pointed out that approval of site plans is not discretionary, and once an applicant complies with a statutory list of things there is no basis for disapproval.

Ms. Mallek asked if the Board was allowed to hear information on septic, as it was noted in the report that it did not perk.

Mr. Davis said that it was not cited as a basis for denial, but the Board could hear additional information if they want.

Ms. Thomas stated that she has questions about resident and neighbor concerns regarding the septic system issue, and how the County is handling decisions related to septic tanks. She said that there are ways to deal with effluent to make it easy for output into the ground, but that opens up whole sections of the rural areas that the Comp Plan had not intended for residential development. Ms. Thomas said that this subdivision is not in the rural area of the County. She is concerned that the County is allowing alternative systems in ways that had not been anticipated. It is a discussion she wants to have at some point. She had wanted these situations to be handled on a case-by-case basis; in this case it is being handled as administrative approval.

Mr. Slutzky commented that he would like this aspect of the Comp Plan to be brought back for review.

Mr. Rooker noted that septic systems are assumed to be the best way to deal with waste, and a lot of septic stuff gets into streams. There are a lot of alternative systems out there that would do a better job than septic systems. It depends on what the Board is trying to accomplish with a discussion.

Mr. Davis asked Mr. Fritz to clarify which conditions are relevant to this appeal.

Mr. Fritz responded that they are the first three conditions in the Executive Summary (set out above).

Mr. Rooker commented that this is not a discretionary matter of the Board. It is a matter of whether they meet the technical requirements of site plan approval – and staff has indicated that they do.

Mr. Rooker then offered **motion** to approve SUB-2008-022, Bellair #5 Preliminary Plat, subject to the three conditions recommended by staff. Mr. Slutzky **seconded** the motion.

Ms. Thomas noted that this reminds her of a situation a few years ago when they were also “trapped like this,” as the public expects the Board to be able to provide some judgment. She apologized for the system, which does not allow for that judgment in this case.

Mr. Rooker mentioned that that is a matter of state law, not County ordinance.

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

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

NAYS: None.

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

1. Submittal of a plat meeting the requirements of Chapter 14, Section 303 of the Albemarle County Code;
2. The existing driveway accessing Edgemont Lane shall be closed; and
3. Approval of maintenance agreement for “New 30’ Access Easement”.

Agenda Item No. 18. **Public Hearing:** An ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 3.35% effective July 1, 2008 from \$14,071.00 per annum to \$14,542.00 per annum. (Advertised in the Daily Progress on May 19 and May 26, 2008.)

Mr. Tucker said that this would increase the Board's compensation by 3.35 percent - an inflationary factor the same as the market rate provided for staff – for an increase from \$14,071 to \$14,542 per year beginning July 1, 2008. He said that staff is recommending approval subject to a public hearing.

The Chairman opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion was then offered by Mr. Rooker, **seconded** by Ms. Mallek, to adopt the proposed ordinance. Roll was called, and the motion carried by the following recorded vote:

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

ORDINANCE NO. 08-2(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE II. BOARD OF SUPERVISORS

Sec. 2-202 Compensation of board of supervisors.

The salary of the board of supervisors shall be fourteen thousand five hundred forty-two (\$14,542.00) for each board member effective July 1, 2008. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05, Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08)

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

This ordinance shall be effective on and after July 1, 2008.

Agenda Item No. 19. **Public Hearing:** An ordinance to amend Chapter 2, Administration, Article VI, Industrial Development Authority, of the Albemarle County Code to change the name of the Industrial Development Authority of Albemarle County, Virginia to the Economic Development Authority of Albemarle County, Virginia. (Advertised in the Daily Progress on May 19 and May 26, 2008.)

Mr. Tucker summarized the following executive summary which had been forwarded to Board members:

On November 13, 2007 the Industrial Development Authority of Albemarle County ("IDA") adopted a Resolution requesting that the Board of Supervisors change the name of the IDA to the Economic Development Authority of Albemarle County. (Attachment A) This Resolution was presented to the Board of Supervisors at its May 7, 2008 meeting. Virginia Code Section 15.2-4903 authorizes the Board of Supervisors to rename the IDA to an economic development authority. The IDA name is codified in the County Code and requires an ordinance amendment to implement the name change. The Board of Supervisors authorized this ordinance amendment to be advertised for public hearing on June 4, 2008.

The 2004 General Assembly amended Virginia Code Section 15.2-4903 to enable any County that chooses to do so to rename an IDA to be an "economic development authority". The change in name does not change any of the powers, duties, or responsibilities of the IDA. It is a name change only. The attached ordinance, if adopted, implements the name change requested by the IDA. (Attachment B)

There is no anticipated budget impact.

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

The Chairman opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion was then offered by Mr. Rooker, **seconded** by Ms. Thomas, to adopt the proposed ordinance. Roll was called, and the motion carried by the following recorded vote:

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

ORDINANCE NO. 08-2(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE VI, INDUSTRIAL DEVELOPMENT AUTHORITY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article VI, Industrial Development Authority, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

2-600 Industrial development authority.
2-601 Powers and duties generally.
2-602 Board of supervisors to approve financing.
2-603 Board of supervisors to approve location.
2-604 Board of directors.
2-605 Board of supervisors to approve by-laws, etc.

CHAPTER 2. ADMINISTRATION

ARTICLE VI. ECONOMIC DEVELOPMENT AUTHORITY

Sec. 2-600 Economic development authority.

There is hereby created pursuant to Virginia Code §§ 15.2-4900 et seq. a political subdivision of the Commonwealth of Virginia to be known as the "Economic Development Authority of Albemarle County, Virginia," hereinafter, the economic development authority.

(5-12-76, §§ 1, 2; Ord. of 5-4-94; Code 1988, §§ 2-47, 2-48; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

Sec. 2-601 Powers and duties generally.

The economic development authority shall have all such public and corporate powers as are or may from time to time be conferred upon the economic development authorities generally by the provisions of the Industrial Development and Revenue Bond Act, Chapter 49 of Title 15.2 (sections 15.2-4900 through 15.2-4920) of the Code of Virginia, and shall in the exercise of such powers adhere in all respects to the provisions of such Act, except as otherwise hereafter expressly provided.

(5-12-76, § 3; 11-1-78; 8-14-80; 12-2-81; 3-16-83; 12-21-83; Ord. of 12-16-92; Ord. of 5-4-94; Code 1988, § 2-49; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

State law reference--Va. Code § 15.2-4905.

Sec. 2-602 Board of supervisors to approve financing.

No financing of any facility by the economic development authority which requires approval of the board of supervisors pursuant to the Internal Revenue Code of 1986, or the Code of Virginia, as amended, as applicable, shall take place without the prior approval of the board of supervisors.

(5-12-76, § 4; 11-1-78; 8-14-80; Ord. of 5-4-94; Code 1988, § 2-50; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

State law reference--Va. Code § 15.2-4906.

Sec. 2-603 Board of supervisors to approve location.

No facility located inside or outside the legal boundaries of the county shall be financed by the economic development authority unless the location of the facility has been approved by the board of supervisors.

(5-12-76, § 5; 11-1-78; 8-14-80; Ord. of 6-2-93; Ord. of 5-4-94; Code 1988, § 2-51; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

State law reference--Va. Code § 15.2-4905.

Sec. 2-604 Board of directors.

The economic development authority shall be governed by a board of directors in which all powers of the authority shall be vested, composed of seven (7) members appointed by the board of supervisors as provided by law.

(Ord. of 5-4-94; Code 1988, § 2-52; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

State law reference--Va. Code § 15.2-4904.

Sec. 2-605 Board of supervisors to approve by-laws, etc.

All by-laws, standards and priorities of the economic development authority of the county shall be approved by the board of supervisors prior to their adoption by the economic development authority. Any revisions or changes of such by-laws, standards and priorities shall require the prior approval of the board of supervisors.

(5-12-76, § 7; Ord. of 5-4-94; Code 1988, § 2-53; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08)

State law reference--Va. Code § 15.2-4905(10).

This ordinance shall be effective on and after July 1, 2008.

Agenda Item No. 20. **Public Hearing:** Request to amend the Albemarle County Service Authority jurisdictional areas to allow water service to Tax Map 59-17B (575 Bloomfield Road, Charlottesville, Elizabeth Gilliland Fennel). Samuel Miller Magisterial District. (Advertised in the Daily Progress on May 19 and May 26, 2008.)

Mr. Davis said a motion is necessary to accept withdrawal of the requested public hearing.

Ms. Thomas **moved** to accept the request for withdrawal of the request. She thanked staff – particularly Mr. Benish – for working diligently on this. The family was saved from a lot of expense and the County was saved from expanding its' jurisdictional areas. Ms. Mallek **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 21. **Work Session:** Community Development Work Program – Rural Area Strategies.

The following executive summary was forwarded to Board members:

On February 6, 2008, staff reviewed a revised Community Development work program with the Board (Attachment A). The Board accepted this revised work program, agreed with the recommended priorities for FY 08-09, and directed staff to bring back additional information on Rural Areas Plan strategies that might be part of the FY 08-09 work program. The purpose of this work session is to provide the Board the requested information on key strategies of the Rural Areas Plan and seek guidance from the Board on efforts with respect to Community Development's work on those strategies in FY 08-09.

In March 2005, the Board established nine key strategies for implementation of the Rural Areas Plan. Subsequently, these strategies were made objectives in the Board's Strategic Plan. One strategy, Conservation Easements, became a separate objective under the Board's Strategic Plan. The remaining eight strategies were placed under an objective focused on implementation of the Rural Areas Plan. Five of these strategies have already been considered by the Board and staff believes its efforts to be complete. Those include:

- Phasing of Subdivisions. This was tabled by the Board in 2007.
- Mandatory Rural Preservation Districts (clustering). This was tabled by the Board in 2007.
- Mountain Overlay District. Creation of the district was tabled by the Board in 2007, with ordinance amendments supporting some of the recommendations of the Board's Mountain Overlay Committee adopted in 2008.
- Research Rural Rustic Roads. Research has been completed and the program has been implemented with rural rustic road projects now part of the annual considerations with the Secondary Six Year Road Plan.
- Research Transfer of Development Rights (TDR) programs and support TDR legislation. Staff completed an initial analysis of TDR programs and the County successfully supported changes to the TDR legislation.

This leaves four strategies to be considered for Community Development's work program. In Attachment B, staff has provided a summary of those strategies, their current status, and staff's recommendation for proceeding if a particular strategy is determined to be the Board's highest priority. Staff considers the following to summarize the important points for each strategy:

- Conservation Easements – Staff notes the County is slightly below the annual milestone of 7,500 acres per year. While the County has significantly increased funding for the Acquisition of Conservation Easements (ACE) program, this strategy has always anticipated most easements would be created outside of that program. While the County is close to meeting the annual milestones, staff believes additional efforts at promotion of conservation easements are needed to help reach this goal.
- Rural Areas Support - This effort is limited by the current budget situation. Staff would recommend postponing this effort until the newly created Agriculture Support position can be funded.

- Crossroad Communities / Alternative Uses –The current work program anticipates completion of the Country Stores zoning text amendment, which is now under review, but does not propose to start other parts of this strategy. Until the frozen Rural Areas Planner position can be filled, staff does not believe there are adequate resources to initiate a comprehensive effort on this strategy. For now, staff would recommend focusing on certain use decision processes such as some church activities and home occupations, where supplemental regulations for a by right use might replace the current special use permit process.
- Fiscal and Tax Tools - The Board has already requested this be discussed at a Board work session. Preparing for this work session will be Community Development's Rural Areas priority for the next month and if the Board expresses interest in moving forward with Option 2 ("Use value taxation for open space classifications only"), as discussed at the May 2008 Board work session on land use taxation, developing this program would become Community Development's priority for the next year. Staff notes a major expansion and change to the Ag/Forest District program might require more resources than are currently available in Community Development. To illustrate by an example, if 10,000 property applications were submitted and each application required only one hour of staff time, this would be equivalent to six full time employees dedicated to this effort for a year.

No budget impact is anticipated with staff working under the current funding. Implementation of the Rural Areas Support would require funding of the frozen position. Undertaking the Crossroad Communities / Alternative Uses would require funding of the frozen Rural Areas planner position. Implementation of the Fiscal and Tax Tools will be discussed with the work session where Option 2 of the land use taxation program is considered.

Recognizing the Board is considering modifications to the land use taxation program that include significant changes to the Ag/Forest District program, staff recommends that this effort be Community Development's priority for the Rural Areas until that effort is completed.

If no further work on the land use taxation program is required after the initial work session, staff recommends the following for Community Development's priority with respect to the Rural Areas strategies in FY 08-09:

1. Available resources should first be used to expand promotion of conservations easements and supporting agriculture and forestry programs in the County.
2. Remaining resources should consider alternative uses where Zoning Ordinance supplemental conditions might replace the current special use permit process.

Mr. Mark Graham, Director of Community Development, summarized the above-referenced executive summary and said this is a follow up to a February work session on the Community Development work program to focus on the rural areas plan. The purpose today is to review the objectives and status of work on that plan and to establish priorities for the next fiscal year's work. He said that February's meeting generated priorities for the next year: focus on completion of master plans, look at rural areas strategies and bring back more information for discussion – including a number of zoning and subdivision text amendments.

Mr. Graham explained that there are two objectives within the County's Strategic Plan that address the rural areas strategies: 1) under Natural Resources - to increase the combined acreage and permanent conservation easement and qualifying parkland. Based on the target of 30,000 acres added, that equates to 7,500 acres added per year. At this point, midway through the Strategic Plan, the target would be 15,000 acres and the County is at 13,000 acres now. 2) By June 30, 2010 to increase the protection of the County's rural areas by implementing the key strategies of the rural areas plan – as listed in the strategic plan. He reported that the ones that have been considered include: phasing and clustering in the Mountain Overlay District – which resulted in some rural area ordinance amendments; researching rural rustic roads, which the County has actually gone beyond through implementation; and researching transferrable development rights and support legislation for TDRs – which has been accomplished as well.

Under remaining strategies, he said, there is a goal of ongoing efforts for conservation easements, and the progress is slightly behind in that objective. For rural areas support, the ag support position has been created but not yet funded. The crossroad community alternative uses goal is the "last big one" as far as a major work item. Country stores are a part of this and would be going to the Planning Commission later this month, but the other parts are on hold because of staff resources. The final is fiscal and tax tools (land use) which have been discussed and would come before the Board next month. He said that staff's recommendation for priorities is to: 1) complete work on the country stores, 2) to continue assisting the Board on the land use, fiscal and tax tools, 3) to expand promotion of conservation easements and agricultural/forestry programs, and 4) to consider other alternative uses where supplemental conditions instead of special use permits may allow for better administration and streamlining.

Mr. Boyd noted that transportation issues were a priority, as a position was created to address these. This is a high priority for the community that is not getting a lot of visibility. He does not see those as priorities here.

Mr. Rooker stated that this is just focusing on the rural areas, not the entire work plan.

Ms. Thomas said that the rural support position was authorized but not funded, and asked staff for some information about which positions are being filled and how this position fits in.

Mr. Tucker stated that the two positions that were recently advertised were based on revenues anticipated from fee increases, and are from Mr. Graham's priority list.

Mr. Graham explained that there is a priority list of frozen positions. The county has been able to fill two – evaluating as an expanded service or core service – and the ag support position is considered an expanded service as it is not addressing mandates from laws or ordinances. The other positions address existing programs.

Ms. Thomas said that if this position is not going to be filled, staff should do some brainstorming on what is going on in the community to see what might be out there – such as the Buy Local campaign.

Ms. Mallek noted that Ms. Stimart is attending the community food program meetings.

Ms. Thomas said that she has become increasingly aware of forest programs, and it may be that some of the County tasks can be accomplished without additional staff.

Mr. Boyd stated that a lot of the items seem to fall under communications – such as videos about the ACE Program, brochures, etc.

Mr. Tucker said that Ms. Catlin could provide an update on that, and there are funds in next year's budget to continue with those.

Mr. Graham noted that additional efforts need to be directed towards the priority items. Staff does recommend expansion of promotion on conservation easements and additional support for agricultural positions rather than take on the larger item of crossroads communities and alternative uses.

Mr. Boyd asked if that is something that would fall under Community Development, or communications.

Mr. Graham replied that it would fall under both, as there is coordination between the two. Community Relations does a lot of the promotion activity.

Mr. Slutzky asked if it was a better use of money to take funds out of ACE and invest in a rural areas staff position to concentrate efforts on promoting other alternatives to ACE for being in conservation easement.

Mr. Rooker said that most of the easements are done by private groups in the community – such as the Virginia Outdoors Foundation, Piedmont Environmental Council, and The Nature Conservancy – and the question is how the County can work with them to help achieve goals.

Ms. Thomas pointed out that the issue of agricultural productivity is a separate thing.

Ms. Lee Catlin, Community Relations Manager, reported that the County has an ongoing partnership with the Virginia Outdoors Foundation, Piedmont Environmental Council, The Nature Conservancy, and the Thomas Jefferson Soil and Water Conservation District for conservation easements. She explained that there were three thrusts of direction that they feel is important – strong solicitation of donated easements, other general forms of land use and resource protection, and building public support and alternative financing. She noted that this year there were more ACE applicants than there was money, with 6,900 total acres protected permanently in Albemarle County through 2007. Ms. Catlin said that there was a photographic display on Albemarle that resulted in a lot of publicity for all easement partners in the program, and there is a meeting tomorrow to continue that program through the Charlottesville Design Center in their new space on the Downtown Mall. She added that for Earth Day and County Government Day there was a publication created called "Tend Albemarle" to focus on bringing together conservation easement information. The tax mailings this spring included a full page on the "Tend Albemarle" information. Ms. Catlin noted that there is a Board work session scheduled in September, co-sponsored by PEC, on alternative financing options and including speakers on that topic. She said that the County has done a number of news releases announcing ACE-related deadlines, major closings, the conservation easement totals, the major grant from the Farmland Preservation Trust; and in July would be kicking off a four-month advertising campaign to push easement donations.

Mr. Rooker commented that it is good to get updates like this, as there is always a lot more going on than meets the eye. He asked how often the County might get applicants under ACE who do not get selected that could get information about putting their land under conservation easement and sell the tax credits.

Ms. Catlin pointed out that there is a strong referral network among all easement-holding organizations. When applicants do not meet the County's ACE criteria, they get redirected to a place that might better serve their needs.

Ms. Thomas said that there are also people who need help with the expense of getting a lawyer, surveyor, etc., to move forward with conservation easements.

Ms. Catlin stated that the referral network helps with that, as participants are aware of partner organizations with programs that might be more suited to one landowner than another. She does not have that information with her, but can follow up with Board members.

Ms. Mallek added that there is a reimbursement process through a state legal expenses fund that goes through VOF to help people with closing costs; the VOF easements are 100 acres or more.

Ms. Thomas also noted that riparian monitoring must be funded over several years, and that raises the cost significantly for riparian easements – currently without tax breaks statewide.

Mr. Davis responded that the value is so little, the tax break would not be significant.

Ms. Catlin pointed out that there has been an effort to focus on a wide spectrum of people, so that more land is protected through different available options.

Mr. Tucker said that regarding Ms. Thomas' question about the rural areas position, there is a part-time planner position that might be upgraded to full or three-quarters time to focus on those issues. He added that Ms. Stimart is also covering some of those responsibilities, but it is possible that someone might need to be hired.

Ms. Mallek noted that the Partnership for Economic Development has an agricultural roundtable going.

Mr. Tucker said that the County has also encouraged the Small Business Administration and TJPED to ensure that agriculture is part of their initiatives as well.

Mr. Rooker suggested that it may be a good idea for Ms. Stimart to give the Board a quick update on what she is doing.

Mr. Graham expressed concern about Ms. Stimart's time being taken away from trying to encourage and support Neighborhood Model development in the development areas. Ms. Stimart's background is city-related so there is a learning curve for some of this.

Ms. Thomas suggested going down the list of priorities in order. She then asked the time line for when the Crossroads Community initiative might come on line.

Mr. Graham replied that the country stores would be wrapped up in the next several months, and it is basically just needing to go to public hearing.

Ms. Thomas asked about the fiscal/tax tools information, if it already exists and just needs to be compiled.

Mr. Tucker stated that Option 2 would be evaluated next month and the Board can decide at that time how to go forward.

Mr. Boyd mentioned that if land use were changed, everyone would have to reapply for land use.

Mr. Davis said that pursuing Option 2 would require "a massive amount of rural planning emphasis" to help educate people about ag/forestal districts and process additions.

Mr. Rooker commented that it seems signing an agreement not to develop might be a simpler process.

Mr. Davis stated that the County would need to develop a process for those agreements, and if everyone entered into an agreement, it would require processing of about 3,000 agreements.

Mr. Graham said that he just wanted to ensure that the Board knew what would be entailed with that option.

Ms. Thomas differentiated between that effort and the agricultural and forestry program initiatives.

Mr. Graham stated that ACE has never been the majority of easements anyhow, and the focus has been on steering people into the right program. He also said that staff has not been spending a lot of time on pursuing easement acreage to meet the 15,000 goal, and the purpose of this recommendation is looking at other measures.

Ms. Thomas asked about the type of alternative uses that would be looked at.

Mr. Graham said that staff will be looking at home occupations in the rural area, as most of those are approved, and rural churches.

Mr. Boyd noted that there was discussion recently of setting up historic preservation districts, and asked if this would fall under the "alternative uses" category.

Mr. Cilimberg mentioned that the Board created the Historic Preservation Committee and gave them a top ten list of activities for them to be pursuing and the district was not there for recommendation, but the idea of having a district in the County was on an overall list.

Mr. Davis said that there is quite a bit of study needed to figure out how to deal with alternative uses for designated historic structures.

Mr. Slutzky stated that he previously brought forth a concept for TDRs (transfer of development rights), but the Board indicated at that time that it would be a topic requiring a lot of staff time and effort with a questionable outcome; the County succeeded in getting enabling legislation for this. He has been working with numerous community stakeholders and interested partners. The group suggested having a forum on this; the Weldon Cooper Center has indicated they would host it and stakeholders have agreed to fund it so that no County money would be required. Mr. Slutzky asked the Board if they would allow, on a limited basis, County staff to participate and engage in the forum. He also asked if the Board acknowledge support for the Weldon Cooper Center facilitating an informal stakeholder dialogue with the idea that stakeholders could find common ground, and then eventually brought back to the Board for consideration.

Mr. Boyd suggested having Mr. Slutzky work with staff on this and assess their availability for attendance.

Mr. Rooker said that the Weldon Cooper can host whatever they want, without the Board's blessing. Good ideas may come out of the forum. He stated that his initial concerns were having staff spend a lot of time on this if it results in something that the Board won't support – such as creating a new growth area. Mr. Rooker noted that a situation that allowed people in the rural area to acquire development rights in the existing growth area is a different approach.

Ms. Mallek said she hopes some common ground will come out of the forum.

Mr. Slutzky commented that there's no assumption that the Board would embrace any outcome from this process, and his original proposal was to give a maximum of one percent of the County over to the purpose of the receiving area.

Mr. Rooker noted that that would be a seven square-mile increase in the growth area.

Ms. Thomas suggested that two members of the Board of Supervisors should attend the Weldon Cooper Center forum, so that enthusiasm for the idea is tempered by other perspectives, such as some Board members unwillingness to enlarging the development area.

Mr. Slutzky said that he would like to see two Board members engaged in the process. He would like to let community members sort this out, adding that if there is consensus reached by a number of different stakeholders it would surprise him if the Board didn't move forward. He is not interested in being the master of ceremonies for this forum because he does not want it to be a discussion of his proposal, but instead the community exploring how to protect the rural areas and take advantage of enabling legislation that allows the transfer of development rights.

Mr. Boyd agreed that the process should go forward, and staff should certainly participate as possible, but no mandate is needed.

Mr. Slutzky asked if something could be put in the Consent Agenda for next week so that the Weldon Cooper Center is aware that the Board supports the process.

Mr. Rooker responded that it needs to be made clear that this is not a County process, but a private group that has an interest in the topic. Personally, he will probably attend some of the sessions because he would like to see what the group is discussing, and possibly add some input.

Mr. Boyd asked if Mr. Graham was looking for any direction from the Board.

Mr. Graham said he would like for the Board to affirm these are the proper priorities for the next year.

Ms. Thomas noted that it seems the work on the country stores is near completion, and if Option 2 is not supported then the fiscal and tax tools portion won't take much time. If the County is satisfied with the ongoing level of effort with conservation easements, then the lowest priority rises to the surface.

Mr. Graham said that this list doesn't include all strategies or priorities, but does prioritize what he thinks can be accomplished in the next year, and the order in which they can be addressed. He stated that the only matter left with country stores is the public hearing process, and if the tax tools goes to public discussion and ends there, it will allow other items to move up, but if it moves forward then staff will not get to the next items.

Mr. Dorrier asked if it was staff's intention to do away with agricultural, forestal, and horticultural uses from land use taxation.

Mr. Rooker replied that there has been a lot of misrepresentation about what has been proposed, but if that were done, essentially those landowners would qualify under the open space category – instead of having other categories. It does not mean the people do not qualify for land use.

Ms. Mallek commented that it would impact County receipts, as it is the cheapest.

Ms. Mallek asked for clarification of the country crossroads provisions.

Mr. Graham responded that staff is proposing postponement of that until the other items are addressed, noting that when they get into the bigger crossroads community uses, that will include a study of acceptable uses, expansion of existing uses, etc.

Mr. Rooker said that his top priority is to ensure that initiatives are being done well, adding that he supports the plan as presented.

Mr. Boyd summarized that the Board is supportive of the priorities as recommended by staff: 1) complete work on the country stores, 2) to continue assisting the Board on the land use, fiscal and tax tools, if necessary, 3) to expand promotion of conservation easements and agricultural/forestry programs, and 4) to consider other alternative uses where supplemental conditions instead of special use permits may allow for better administration and streamlining.

Board members concurred.

Agenda Item No. 22. **Work Session:** Fill and Waste – Disposal of Asphalt Pavement.

The following executive summary was forwarded to Board members:

At its April 2, 2008 meeting, the Board directed staff to bring back information on the pros and cons of continuing to allow asphalt pavement to be used as fill material, with an emphasis on the environmental factors. This practice is currently allowed under the Zoning Ordinance as a result of a July 3, 2002 text amendment approved by a 4-0 vote. (ZTA 2001-006) This vote was preceded by a June 5, 2002 public hearing. A review of the Board minutes for the June 5th meeting indicates this was a controversial amendment and there was significant opposition to additional regulation of fill material and operation. That opposition was evidenced by petitions and the remarks of several speakers. In balancing those concerns, the Board considered the lack of evidence of environmental harm and the likelihood of illegal dumping.

In responding to the Board's April 2, 2008 directive, staff reviewed the rationale for supporting the use of asphalt pavement as fill material in 2002. Attachments A and B are 2002 memos supporting that recommendation. After reviewing these memos, staff focused their evaluation on a search for any new information that would alter the prior recommendation. Based on that analysis, staff believes the current regulation allowing the burial of asphalt is still appropriate. The following points were considered in this analysis.

1. Minimal Environmental Hazard – A review of the literature indicates that asphalt pavement is not considered an environmental hazard. To illustrate, staff found asphalt pavement is still used for lining water supply reservoirs and fish hatcheries. Staff also notes that neither the U.S. Environmental Protection Agency nor the Virginia Department of Environmental Quality has prohibited the use of asphalt pavement as fill. Additionally, asphalt pavement used for fill is typically older material, where the more volatile compounds have long since either degraded or washed away. The fact that asphalt pavement continues to be routinely used for roads, parking lots and driveways without state or federal regulation strongly suggests there is an insignificant environmental risk.
2. Complaints – The County has no complaints of buried asphalt pavement when used in permitted fill operations since this regulation was adopted in 2002. While there have been several complaints about illegal dumping that included asphalt pavement, staff believe those concerns have been focused on the illegal dumping rather than the material.
3. Consistency with other localities - Based on a review of ordinances in other counties and contact with staff in those localities, no county was identified that expressly prohibits asphalt pavement being used as fill material. This review included the following counties: Augusta, Bedford, Chesterfield, Fairfax, Fauquier, Fluvanna, Goochland, Greene, Hanover, Henrico, Isle of Wight, Louisa, Montgomery, Prince William, New Kent, Orange, Roanoke, Rockingham, and Stafford.
4. Recycling - Staff notes the potential for recycling is improving and milling of asphalt pavement for reuse has become common with larger paving operations. However, it appears this can still prove economically challenging for small sites. In speaking with the local asphalt pavement producers, staff found they routinely recycle asphalt pavement from their own projects but do not accept materials from others. That restriction is based on past problems with contaminated materials, but they are interested in recycling clean material. This appears to leave two options for enhanced recycling. The County can wait until economic interests create an incentive for a private business to establish an asphalt pavement recycling operation or the County could subsidize the creation of this operation. With the former, staff believes it is premature to amend the ordinance until that business is established. With the latter, the County's solid waste agreement would require this material to be delivered to the Rivanna Solid Waste Authority (RSWA). RSWA could establish a milling operation at its Ivy facility and sell this material for either recycled asphalt pavement or use as road base material if the material was unacceptable for pavement. This would be similar to the service currently provided with vegetative debris such as tree stumps. RSWA's startup costs for this operation would be passed to the County and the County would also be responsible for any operational deficits. A business plan would be needed to accurately estimate these costs but staff estimates the startup costs would likely be in excess of \$100,000. It should be noted that if RSWA starts this operation with a County subsidy, it may preempt the market from developing a private solution.

5. Incentives for illegal disposal - Disposal of asphalt pavement becomes increasingly expensive if not allowed to be used on site and recycling options are not viable. To illustrate the complexity of this issue, staff compares this with tree stumps, which are an ongoing issue. Under state and federal law, tree stumps from construction sites may not be buried outside of a regulated landfill as this creates an environmental hazard. If the construction site is too small to economically justify establishing a burn pit or grinding operation, the stumps are supposed to be hauled to the RSWA Ivy facility for legal disposal. As discussed with recycling asphalt pavement, RSWA currently recycles tree stumps into mulch, though this requires the County partially to subsidize this operation. Despite this requirement and the County subsidy, staff continues to find situations where tree stumps have been buried on the construction site or dumped on properties in the Rural Areas. The cost-benefit of having a violation discovered versus potential savings continues to create an incentive for illegal disposal. Staff anticipates the same situation for asphalt pavement should it be prohibited from fill.

No budget impact is anticipated if the current ordinance is not amended. If the ordinance is amended to make it illegal to use asphalt pavement for fill, there may be some additional County expense for inspections and Code enforcement. If the County were to ask RSWA to establish a pavement recycling program, there are both startup costs and ongoing operations costs that will be the County's responsibility.

Staff recommends that the Board not amend the current regulations that allow the burial of asphalt pavement and that it directs staff to promote the recycling of asphalt pavement whenever possible.

As noted in the Executive Summary, Mr. Graham said this was added to the Zoning Ordinance in 2002, noting that there were a lot of issues with material being hauled from sites and illegally dumped. He said that staff concluded that it is an inert material and if certain conditions were placed on disposal, staff felt it could be safely done to eliminate the illegal dumping issues. Mr. Graham stated that there were a number of petitions circulated and presented to the Board, with strong opinions on both sides of the issue. Staff has done an analysis and found no documentation of problems with this being used as fill material, but there were a number of citations although they never resulted in anything. He also reported that there are no documented complaints from citizens when disposal is done as a permitted activity, but there are still a number of complaints about illegal dumping.

Mr. Rooker asked him to explain fill and waste areas in the rural areas and growth areas.

Mr. Graham explained that there is no difference in the fill and waste areas in the two different areas, but borrow areas are limited to the rural area. He said that if it is done in the rural area it is simply a matter of an erosion and sediment control plan that must be reviewed and approved. The Zoning Ordinance stipulates how material is buried and covered, the length of time the waste area can remain open, etc. Mr. Graham mentioned that in development areas, it's almost always done as part of a site plan because of the requirement in the Zoning Ordinance for any properties zoned other than RA, they cannot remove a tree greater than six inches in diameter except as part of an approved plan or use. He confirmed for Mr. Rooker that someone can fill in critical slopes. The stream buffer preventions still apply; you cannot fill within the stream buffer.

Mr. Dorrier mentioned a letter he received from Virginia Land Company and their request to fill in an area near Colthurst with remains of the old University of Virginia parking garage.

Mr. Dorrier said that is a different issue that can be discussed under other matters.

Mr. Graham reported that staff is working closely with the applicant and the DEQ to ensure that the material is inert.

Mr. Davis commented that Mr. Graham has responded to the letter. Mr. Rooker asked that Board members be copied on the response.

Ms. Mallek commented that she has concerns about people burying materials and then someone else, after purchasing the land, and having to dig up the materials and haul them away. It can be very expensive.

Mr. Rooker commented that the only thing that can be buried here are inert materials.

Ms. Mallek commented that it is chunks of asphalt that is not easy or inexpensive to carry away. It is a mess that the new homeowner usually does not know is there when they purchased the land.

Mr. Graham said it is not a material that is regulated to go into the landfill. This is designed only for those properties that fall outside of RCRA.

Mr. Slutzky asked if there could be a tracking mechanism to make property owners aware of what is dumped there.

Mr. Rooker said that it's not something you would typically find out when buying property, because none of it would be recorded at the Courthouse or revealed through title searches. He added that people could search through permits to find that out if a permit had been issued for the property.

Mr. Graham stated that it would be easy to determine if a grading permit were issued on a property, but staff does not track what fill material is used there so there is no record as to whether concrete was placed on a property.

Mr. Slutzky commented that 40 percent of Manhattan is built on fill, so it is not necessarily a bad thing, but it would be important for a landowner to know what that is.

Mr. Davis mentioned that details of permits would only be kept for five years after that permit was closed.

Ms. Thomas asked if this might be an opportunity for the County to mandate that asphalt be taken to a recycling center, with a year's lead time so that centers would know what to anticipate.

Mr. Davis replied that the Dillon Rule does not give the County the authority to establish how the material is processed, but the definition of inert material could be changed so it couldn't be used as fill; it could also be transported to another locality.

Mr. Slutzky said that many private business owners do not want to accept random material.

Ms. Mallek stated that one county defines asphalt as construction debris to ensure that it won't just be dumped in fields somewhere.

Mr. Slutzky replied that that wouldn't prevent midnight dumping.

Mr. Boyd noted that someone dumped some on his property.

Mr. Graham commented that the market has changed significantly since 2002 and a lot more pavement is being recycled. S. L. Williamson has indicated that they will take the material if they are the ones removing the material but would not allow other people to bring material to them because of problems with contaminant material.

Ms. Mallek asked the fee for getting a burial permit.

Mr. Graham said the permit is based on a per-acre amount with a maximum of about \$2,000.

Mr. Dorrier asked if the decision could be handled administratively.

Mr. Graham responded that it is all handled administratively. The Zoning Ordinance is very clear about inert materials. RECRA does not include materials such as metal, reinforcing steel, wiring and conduits, lights, signs, glass, etc., and it must be clean material that can be compacted.

Mr. Dorrier said that this seems fraught with problems and risky.

Mr. Boyd said that staff recommends taking no action on this.

Mr. Slutzky pointed out that the recommendation is to take no action with respect to current regulations, but direct staff to promote recycling whenever possible.

Mr. Rooker asked if there is a place to recycle this material in the City or County.

Mr. Graham explained that the only thing that can be legally done with it now is taking it to the Ivy Landfill where it is buried, and a tip fee must be paid.

Mr. Rooker asked if concrete is reusable.

Mr. Graham replied that he is not aware of a concrete-recycling facility, but is aware that it is crushed up and used for base materials for roads, etc.

Mr. Rooker said that the only option is to require it go to the Landfill, which is essentially the same thing people are doing on their own now. He asked about what would be needed to accurately estimate the cost, as there is some discussion about the County operating a recycling facility at Ivy for asphalt.

Mr. Graham explained that the RWSA is working on a strategic plan, and if there is going to be a change that might be the appropriate place to consider that.

Ms. Mallek said she would be happier to see this material buried at the Landfill than buried "willy-nilly".

Mr. Davis noted that this has more of an impact in the City as buildings get redeveloped, and most of the fill areas are in the County.

Mr. Slutzky asked Ms. Mallek about her concerns with the asphalt disposal.

Ms. Mallek said that the later discovery issue as it burdens the next property owners is a concern, and she also is not convinced that the products are safe.

Ms. Thomas asked staff to share this information with the consultants working on the RWSA strategic plan.

Mr. Rooker said that S. L. Williamson may have a different view on this now with the increases in petroleum costs.

Mr. Graham responded that he has spoken with them over the last few weeks.

Mr. Tucker said staff has received some ideas and direction on this issue. Staff will also talk with the consultant working on RWSA's strategic plan.

NonAgenda.

Mr. Tucker asked when the Board wanted to take up Item 7.7 from the consent agenda.

Mr. Boyd suggested taking this item up after the joint meeting with the Planning Commission. Board members concurred.

At 5:02 p.m., **motion** was offered by Ms. Mallek that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; and under Subsection (1) to conduct an administrative evaluation.

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

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

NAYS: None.

Agenda Item No. 24. Call to Order.

At 6:07 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Mallek to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

NAYS: None.

Joint Public Hearing with Planning Commission.

COMMISSION MEMBERS PRESENT: Mr. Bill Edgerton, Ms. Marcia Joseph, Mr. Tom Loach, Ms. Julia Monteith (UVA non-voting member), Mr. Calvin Morris, Ms. Linda Porterfield (left at 6:41 p.m.) and Mr. Eric Strucko.

ABSENT: Mr. Jon Cannon.

Also present was Mr. Greg Kampter, Deputy County Attorney.

Mr. Morris called the Planning Commission to order at 6:07 p.m.

(At this time the Board took up Agenda Item No. 15a.)

Agenda Item No. 15a. Boards and Commissions: Vacancies/Appointments.

At this time, Mr. Slutzky offered **motion** to make the following appointments/reappointments:

appoint Peter Hallock to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2012;

appoint Brian Broadus, Jared Loewenstein, Lynn Rainville, and Jeff Werner to the Historic Preservation Committee;

appoint Stanley Cook, Debbi Goodman, and Paul Newland to the Piedmont Virginia Community College Board with said terms to expire June 30, 2012;

appoint Bruce Dotson to the Public Recreational Facilities Authority with said term to expire December 13, 2008;

appoint Lee Rasmussen to the Public Recreational Facilities Authority with said term to expire December 13, 2011;

appoint Naresh Naran to the CACVB Management Board with said term to expire June 30, 2010;

reappoint Carolyn Lawlor to the Commission on Children and Families with said term to expire June 30, 2011; and

reappoint Tim Tolson to the Jefferson-Madison Regional Library Board with said term to expire June 30, 2012.

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

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

NAYS: None.

(**Note:** Mr. Boyd welcomed Planning Commission members who were present for the joint public hearing. The public hearings on the next two agenda items were held concurrently.)

Agenda Item No. 25. **Public Hearing: PROJECT: ZTA-2007-005. Downtown Crozet District (DCD). PROPOSED:** Zoning text amendment to establish new zoning district in the Crozet community of Albemarle County. (Advertised in the Daily Progress on May 19 and May 26, 2008.)

Agenda Item No. 26. **Public Hearing: PROJECT: ZMA-2008-002. Downtown Crozet District (DCD). PROPOSED:** Zoning map amendment to rezone approximately 54 acres from C-1, Commercial, CO, Commercial Office, PD-SC, Planned Development-Shopping Center, R-2, Residential, and Rural Areas, RA to Downtown Crozet District (DCD) (reference ZTA 2007-0005), a new mixed-use district that would allow retail, service, office, public and civic uses, along with light industrial and residential uses. White Hall Magisterial District. (Advertised in the Daily Progress on May 19 and May 26, 2008.)

The following executive summary was forwarded to Board and Planning Commission members:

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 downtown Crozet. After numerous Crozet community meetings and County Planning Commission work sessions, the Planning Commission forwarded its recommendations to the Board of Supervisors regarding the draft outline of zoning regulations for a new zoning district for downtown Crozet, as well as the boundaries for the proposed County-initiated zoning map amendment. On March 17, 2008, the Board held a work session on the draft ordinance and map amendment, provided feedback to staff regarding the zoning provisions, and directed staff to draft the zoning text amendment for the Downtown Crozet District (DCD) and to schedule a joint public hearing of the Board and the Planning Commission to receive public comment on the proposed zoning text amendment and zoning map amendment. The draft outline of zoning regulations discussed by the Board at its March 17 work session is provided as Attachment A.

The Planning Commission's recommended zoning regulations for the new DCD, along with boundaries for a potential County-initiated rezoning, were supported by the Board with several modifications discussed. (Attachments A and C) At the March 17, 2008 work session the Board discussed public comments that had been received that supported allowing the broadest range of commercial and residential uses within the downtown district to promote a locally oriented and sustainable economy. Specifically, requests had been made that research & development uses and veterinary offices be allowed by-right rather than require a special use permit, as recommended by the Planning Commission in a work session. Also, based on information received from a historic resources survey currently underway, staff recommended that the ordinance include language that ensures that there is flexibility in the setback regulations to allow the reuse of existing historically important residential structures for commercial uses.

Zoning Text Amendment

The Board directed staff to include the following modifications to the ordinance, which have been provided:

- Provide for pedestrian access and vehicular access provisions in the requirement for a façade break every 200 feet in the façade break regulations. This is provided for in the ZTA under *Minimum Standards for a Building Façade Break*. (Attachment B; page 8; § 20B.3(B))
- During discussion of by-right uses that should be permitted in the district, the Board directed staff to include research and development uses and multi-plex movie theaters as by-right uses. Research and development, subject to the performance standards of Section 4.14 of the Zoning Ordinance, is a permitted by-right use. (Attachment B; page 3; § 20B.2(A)(33)) Theaters, live and movie, including multi-screen theaters are permitted under by-right public and civic uses. (See Attachment B; page 3; § 20.B.2(C)(15))
- Provide for flexibility in setbacks and relegated parking provisions to allow reuse of historic structures. This is provided for in the attached ZTA under *Area and bulk*

regulations, pre-existing buildings, structures and improvements. (Attachment B; page 8; § 20.B.3(B))

In addition, staff has made one other change to the proposed DCD regulations. The draft outline considered by the Planning Commission and Board, required that if a wall was used to provide parking lot screening, public seating be provided on the outside of the wall to break up the visual appearance of screening walls. After deliberation, staff recommends this not be included as a requirement. The public seating would be located on the landowner's property outside of the public right-of-way. (Refer to Attachment A; page 4) Although a landowner may voluntarily provide this seating, staff had concerns as to whether a public purpose existed to require the seating in conjunction with the approval of a site plan or subdivision plat. In addition, staff anticipates that landowners may have security and liability concerns about providing seating on their property that would be used by persons who were not necessarily customers of the landowner's business, but pedestrians using a nearby sidewalk.

Following is a summary of the key elements of each section:

Section 3.1, Definitions: This section adds definitions of three new use classifications: "cultural arts centers," "outdoor performance areas" and "research and development." This section would also amend the definition of "story" and define "stepback," a planning concept being introduced in the Downtown Crozet District, which will require that the portion of a building above the third story or 40 feet "step back" a minimum of 15 feet.

Section 20B.1, Purpose and intent: This section states the purpose and intent of the DCD, which is to establish a district in which traditional downtown development, as described for the CT6 Urban Core and CT5 Urban Center transects in the Crozet master plan, will occur.

Section 20B.2, Permitted uses: This section identifies the uses permitted in the district. The DCD would be a mixed-use district that would allow a wide variety of retail, service, office, public and civic uses, along with light industrial and residential uses. The May 19, 2008 draft of the zoning text amendment posted on the County's website has since been revised by moving the use classification that allows dwellings to be occupied by the owner or employee of a commercial use from subsection 20B.2(C) (public and civic uses) to subsection 20B.2(D) (residential uses). This use was moved so that it was correctly placed with other residential uses. The May 19, 2008 draft was also revised to provide that the use classification in subsection 20B.2(D) that allows multiple-family dwellings such as apartments would allow apartments as either single-family dwellings or multiple-family dwellings. This classification was changed to allow a single apartment unit as a permitted use. These revisions are incorporated into the May 29, 2008 draft ordinance (Attachment A).

Section 20B.3, Area and bulk regulations: This section establishes area and bulk regulations for the DCD, including minimum and maximum building and parking setbacks, minimum setbacks for buildings above the third story or 40 feet in height, and building façade breaks every 200 feet. This section also establishes a minimum lot size of 1500 square feet, a maximum residential density of 36 dwelling units per acre, a minimum building height of 30 feet or 2 stories (1 story by special use permit) and a maximum building height of 50 feet or 4 stories (70 feet or 6 stories by special use permit). Lastly, this section establishes area and bulk regulations for certain pre-existing buildings and structures; minimum standards for pedestrian and vehicular travelways at building façade breaks; standards for buildings entrances and stories; regulations prohibiting the establishment of structures within easements that are located within setbacks; and substantive and procedural requirements for waivers from front building setback requirements and the location of parking areas. The rear building setbacks and the rear parking setbacks in the May 19, 2008 draft of the zoning text amendment posted on the County's website have been revised to clarify that the respective setbacks stated were "minimum" setbacks. These revisions are incorporated into the May 29, 2008 draft ordinance (Attachment A).

Section 20B.4, Parking: To increase flexibility in off-street parking within the DCD, this section modifies certain parking regulations established in Section 4.12 of the Zoning Ordinance. The modifications include reducing the minimum number of parking spaces required and increasing the amount of parking spaces that can be provided by shared parking. This section also establishes screening and landscaping requirements for parking areas unique to the DCD.

Section 20B.5, Landscaping: This section imposes commercial use landscaping requirements on developments requiring a site plan, but would exempt developments from the tree canopy requirements of Section 32.7.9.9 of the Zoning Ordinance. The screening requirements in the May 19, 2008 draft of the zoning text amendment posted on the County's website have since been revised in two ways. First, rather than cross-reference the requirements of section 32.7.9.8, the screening requirements are now stated in section 20B.5(A). Second, the screening requirements were modified to require screening only from the rear of the lot, to require screening from not only adjoining residential or the rural areas zoning districts, but also from existing single family detached or attached dwellings within the DCD, and to reduce the minimum height of a screening wall or fence from 6 feet to 4 feet. These standards were included in the proposed district regulations outline dated March 5, 2008 (Attachment C) and considered at prior Planning Commission and Board work sessions. These revisions are incorporated into the May 29, 2008 draft ordinance (Attachment A).

Section 20B.6, Outdoor lighting: This section modifies Section 4.17.4(b)(1) of the Zoning Ordinance to allow lighting from first-story lights for non-residential uses to spill over onto public streets and other non-residential uses. VDOT approval of spillover onto a public street would be required.

Section 20B.7, Sidewalks and street trees: This section establishes design requirements for sidewalks and requires street trees for developments requiring a site plan. This section also allows a landowner to request a waiver from sidewalk requirements in specified circumstances.

Figures: Nine figures are included with the district regulations to illustrate various concepts.

Zoning Map Amendment-Downtown Crozet District Rezoning Boundaries

The approximately 54 acres within the proposed district boundaries are presently zoned C-1, Commercial, CO, Commercial Office, PD-SC, Planned Development-Shopping Center, R-2, Residential, and Rural Areas, RA.

Throughout the course of the Downtown Crozet Zoning study process, potential boundaries were discussed for a rezoning by the County to implement the Downtown District. The consultants and Downtown Crozet Association (DCA) both suggested boundaries for a central Downtown zoning district. However, the consultant also recommended the creation of two Transition Zoning districts adjoining Downtown and a Downtown 2 district on a portion of the lumber yard property.

The Crozet Master Plan, part of the County's Comprehensive Plan, designates approximately 9 of the 54 acres subject to this rezoning as "CT 1 Development Area Preserve & CT2 Development Area Reserve," which recommends a general usage of open space preserve or reserve with very low residential density permitted of no greater than 1 unit per 20 acres. The remaining lands subject to this rezoning are designated as either "CT 4 Urban General in Downtown," which recommends a general usage that is primarily mixed residential and commercial uses at densities up to 4.5 units per acre for single family detached dwellings, single family attached dwellings, densities of up to 12 units per acre for townhouses and apartments, and densities up to 18 units per acre in a mixed use setting, "CT 5 Urban Center in Downtown," which recommends a general usage that is a mix of uses and residential types at densities of up to 12 units per acre, and up to 18 units per acre if in a mixed use setting, or "CT 6 Urban Core in Downtown," which recommends a general usage that is a very open mix of commercial, office, retail, and other uses along with residential uses at densities of up to 18 units an acre and up to 36 units an acre in a mixed use setting. The general usage within the proposed DCD would include retail, service, office, public and civic uses, along with light industrial and residential uses. The density range would allow up to 36 dwelling units per acre.

The Planning Commission discussed the boundaries for a rezoning in work sessions on November 27, 2007 and January 29, 2008. Staff provided reports with analysis on boundaries for those work sessions, the most detailed of which was the January 29 report, which was provided to the board for its work session on March 17, 2008. The Planning Commission recommended boundaries for the district, which the Board discussed in its work session and agreed would be the boundaries advertised for public hearing. (Attachment C)

The proposed Downtown Zoning District boundaries are concentrated around areas of public investment by the County, including the Phase I and II Streetscape projects, the new library, and areas covered by the stormwater master plan for Downtown. In addition, the boundaries take into consideration the underlying zoning of parcels and impacts to adjoining residential areas, some of which are not yet ready to transition to commercial uses. The boundaries are also focused on areas already zoned commercial and the block south of New Main Street, north of Tabor Street, and west of High Street. Due to the underlying Heavy Industrial Zoning, which emphasizes the current lumber yard use which is not a permitted use in the new Downtown Zoning District regulations, the J. Bruce Barnes Lumber Yard is not included for rezoning at this time.

Staff and the Planning Commission are recommending that to most effectively achieve the intent of the Downtown Zoning District, the County amend the zoning map to establish the district within the proposed boundaries, rather than waiting for landowner-initiated rezonings. While this has some financial implications to the County as it removes the possibilities for receipt of proffers to off-set impacts, it implements a key element of the Crozet Master Plan and takes a step and cost out of the development process for landowners, which better enables them to develop to the intent of the district.

The Board approved \$75,000 for consultant fees for the project on September 6, 2006. The Fiscal Impact Planners' analysis concluded that the County-initiated zoning text and zoning map amendments for the Crozet Downtown Zoning District would have a positive impact to County revenues over a 20-year time frame in the amount of \$11,900,200. (The Board received additional budget impact information as part of its March 17, 2008 staff report linked above.) There is no need for additional staff to implement adoption of both the ZTA and ZMA, which will forgo the need for future applicant initiated re-zonings that would otherwise be necessary without the ZMA. However, as the new zoning will enable by-right development under the DCD, there is the potential for increased site plan activity which could increase the project review workload of Current Development staff.

Staff recommends that, after the Planning Commission and the Board of Supervisors hold joint public hearings on ZTA 2007-005 and ZMA 2008-002, the Planning Commission recommend approval of ZTA 2007-005 as set forth in Attachment A, and ZMA 2008-002 as set forth in Attachment B. After the Planning Commission has made its recommendations, staff recommends that the Board of Supervisors adopt ZTA 2007-005 as set forth in Attachment A, and adopt ZMA 2008-002 as set forth in Attachment B.

Mr. Cilimberg reviewed the main elements of the ordinance proposal, stating that this reflects a lot of work with the community, with the consultant, staff, Planning Commission and Board work sessions, and the Downtown Crozet Association.

Mr. Cilimberg reported that what's before the Board and Commission are Zoning Text and Zoning Map Amendments that are most particular to downtown Crozet and involve elements of the ordinance dealing with area and bulk regulations, parking, landscaping, outdoor lighting, and permitted uses. The Board would be initiating a rezoning that would implement the new regulations. He said that the intent is to implement what the Crozet Master Plan has called for in downtown, and to promote the economic and social vitality of the downtown area. Mr. Cilimberg stated that it is hoped that this would lead to infill and redevelopment opportunities being realized, and also be unique to the character of Crozet. He said that there are old photos available that illustrate the historic patterns of Crozet and how Crozet initially evolved downtown. The Master Plan shows a transition area and attempted to show in design elements how the downtown area would be.

Mr. Cilimberg said that the latest version tries to include Commission and Board recommendations, including recent elements such as by-right residential if the ground floor is not residential, research and development activities as a by-right use subject to performance standards that exist in the ordinance, and theatres. He said that special use permit categories would include veterinary offices, standalone parking lots, and standalone residential such as apartment buildings. Mr. Cilimberg stated that there would be front setback requirements that would be different from conventional zoning currently used in the County – with minimums of one foot and maximums of ten feet that could be waived to 15 feet to accommodate café seating or steep topography, or public space.

He added that pre-existing building structures and improvements may extend and/or enlarge without complying. Mr. Cilimberg said that side setbacks would have a zero minimum, 20-foot maximum combined, to allow for vehicular alleys that could be shared across property lines. There could be five-foot sidewalks if they are pedestrian only and 12-foot alleys for vehicular access would need to provide a sidewalk on one side. He noted that building heights would be between two and four stories by-right, with setbacks of 15 feet minimum when three stories are exceeded; by special use permit would be one story up to five or six stories. Mr. Cilimberg said that parking setbacks for off-street would be no closer to the street than the primary structure can be the rear or the side of the primary structure, but no closer than ten feet; building facades must break at least at every 200 feet and the main entrance must be from the front or side of the building with a side entrance requiring doors to face the front right of way.

Mr. Cilimberg said that the number of spaces in parking had also been set out in the ordinance; there is no maximum but are calculated numbers based on residential types and is also a bicycle provision for spaces based on auto spaces. There is also parking for things such as mountainside congregate housing and civic activities. He stated that there could be shared parking for up to 75 percent of the required minimum, which is a good deal more than the current ordinance allows, and there would need to be provisions to ensure continuation of off-street parking as existing in the current ordinance. He stated that buffering, screening and landscaping are also elements, with a minimum of 20 feet next to residential areas or a wall or fence four feet high, or a combination of that. Mr. Cilimberg said that parking lots over five spaces are subject to screening, and lots larger than 25 spaces must have internal landscaping of one tree per ten spaces. He stated that there would be a five-foot minimum with sidewalks in areas between buildings in façade breaks, and a ten-foot requirement on primary streets with eight feet required on other streets.

He reported that the boundaries are somewhat different than what was originally designated in the Master Plan and different than what the community originally identified; it does not include the employment center shown in the Comp Plan and lands to the east, but would include the new library site, and streetscape projects in the Stormwater Master Plan project area. Mr. Cilimberg noted the relationship of the zoning district as it was brought forth for adoption to what was shown in the Master Plan; there is a fair amount of overlap but some difference to try to reflect what came out of the community.

Mr. Cilimberg said that staff recommends that the Planning Commission recommend approval of the ZTA and ZMA, with the Board subsequently adopting those.

Ms. Joseph asked if the outdoor performance area being added is a by-right use, and if the Noise Ordinance would keep the sound in check or if it would be up to users to shut it down at a reasonable hour.

Mr. Cilimberg responded that the Noise Ordinance would apply but there would be no restriction on hours.

Ms. Joseph said this is also addressed under Section F of the Zoning Ordinance – Accessory Uses and Structures – which states that outdoor performance areas for primary cultural arts center uses, and asked if that would be restricted by hours or the Noise Ordinance.

Mr. Cilimberg responded that the section attempts to identify accessory uses allowed by-right or by special use permit, and defines what they might be.

Ms. Joseph mentioned issues with the Charlottesville Pavilion and they offered to limit the hours of operation.

Mr. Rooker asked if it was clear whether or not that is a by-right use here.

Mr. Cilimberg said that it would be an accessory use to by-right as well as an accessory to special use permit use.

Ms. Joseph asked about provisions for hotels, motels, or youth hostels, as there is nothing mentioned here about those.

Mr. Boyd noted that it is the second by-right use listed.

Ms. Joseph asked if that applied to youth hostels.

Mr. Cilimberg replied that Ms. McCulley would need to address that since it is a zoning interpretation.

Ms. Amelia McCulley, Zoning Administrator, noted that staff has concluded that it would fit under the category hotels, motels, and inns.

Mr. Rooker asked if there were any restrictions on size for storage buildings or the number put up, as they are allowed by-right.

Ms. McCulley explained that as an accessory structure it would have to be subordinate to the main use, so total square footage and impact/intensification of use would be scrutinized and would only be allowed to be a small percentage of the main use. She also said that if these were non-residential uses – as most of these would be – they would be subject to the setback and stepback and façade break limitations as well as other area and bulk regulations that apply.

Mr. Rooker said he wants to make sure we are not inviting ridiculous storage sheds behind commercial buildings.

Mr. Cilimberg added that Route 241 is an Entrance Corridor, so there would be that level of review with site plans.

Mr. Rooker asked about prototype manufacturing for research and development uses as an accessory use, if research and development is allowed as a primary use in the district.

Ms. McCulley replied that this use has changed significantly in recent years, and it is conceivable that there would be a main use that is part of a production facility or business office that also has research and development for their product as a subordinate activity.

Ms. Joseph commented that the Planning Commission had wanted provisions for affordable housing, but did not see that included in this report.

Mr. Cilimberg responded that there are bonus provisions in the ordinance now, and that is as far as the County can go with the enabling legislation currently in place, although it can also be accomplished through proffers in rezonings. He said that this application would not have proffers as it is establishing a district.

Ms. McCulley said that there is one provision by special use permit that relates to building height which allows for increased height as long as that provides a demonstrated public benefit – such as affordable housing.

Mr. Davis also noted that the housing types allowed here – such as apartments above retail use – might lend themselves to affordable housing.

Mr. Cilimberg agreed, adding that some of the housing sizes are around 1,000 square feet, which would likely make them more affordable.

Mr. Slutzky asked if there is any requirement that second floor apartments be built.

Mr. Cilimberg replied “no”; they are allowed, but not required.

Mr. Morris asked how inclusion of new residential areas affects real estate assessments.

Mr. Cilimberg asked Mr. Bruce Woodzell, Real Estate Assessor, to comment on this.

Mr. Woodzell responded that each parcel will have to be analyzed to the “highest and best use,” the size of the parcel, and the ultimate maximum use, which he would base his assessment on. He said that if a property is deemed to be in transition – with remodeling potential for a small structure – the value might be raised to current market value. It could affect these residential properties in a minimal or dramatic way, but he has no market data sales related to the new zoning. At this time, his ultimate assessment is somewhat cloudy.

Ms. Mallek said that this is a very important issue, and asked what opportunities there might be to keep things as they are until the use on a parcel actually changes.

Mr. Woodzell replied that as an Assessor, he must follow statute, so if it is rezoned he must consider that in his assessment. He has no ability to defer or delay his opinion of value. He noted that there are properties on Route 29 North that are rezoned, but are being assessed at commercial value, “based on legal use.” If the residence is there, he has to examine what that residence is contributing to that property. Again, the value of the land is as it is zoned.

Mr. Rooker commented that if the highest and best use was a three-story commercial building, a house may have no value but the land would.

Mr. Woodzell confirmed that it could definitely be viewed that way. He said that any area rezoned to a more intense zoning would impact its tax assessments.

Ms. Thomas said that certainly this was taken into consideration during the planning process.

Mr. Morris said that he did not raise this question in any of the other sessions held on this property.

Mr. Rooker added that otherwise every landowner would have to pay for rezoning applications, and in this case it is being done by the County – who is essentially covering the cost. If you're going to have a consistent downtown, it's going to be very difficult to do it a parcel at a time.

Ms. Mallek stated that the properties in concern are the ones right on the border, and there is general consensus that the new district would make this attractive to development, etc.

Mr. Boyd noted that he does not recall talking about this in meetings about this, and asked her what the community impression has been.

Ms. Mallek responded that it has just come to her in the last couple weeks.

Mr. Rooker said that some people might not want their property rezoned, and if these are contiguous properties on the edge and people do not want their properties included, they could be taken out before approving the ZMA.

Ms. Mallek mentioned that she had suggested it, but was told that if a parcel is surrounded by commercial properties they cannot really be taken out.

Referring to Paragraph D – building entrances, Mr. Rooker commented that the requirement that doors on side entrances face the front of the building had been discussed and agreed upon by the Board not to require that.

Mr. Cilimberg said that he also raised that question and has some alternative language to offer, adding that a primary entrance would need to face the street. That is a change the Board and Commission can make tonight.

Mr. Rooker stated that it seems that the intent was that every 200 feet there would be façade breaks, noting that it should be defined as it can be interpreted differently.

Mr. Davis pointed out that in Paragraph C on Page 8, the language stipulates that there must be pedestrian or motor vehicle and pedestrian access on the side and/or rear of the building.

Mr. Cilimberg said that it was included as a minimum standard.

Mr. Rooker agreed that that language would cover it.

Ms. Thomas stated that she wants some assurance that the requirement of street trees will create a tree canopy.

Mr. Cilimberg responded that street trees and parking lot trees are intended to provide for that, adding that there is a combination minimum separation where trees are provided on the street and internal parking areas having trees provided as well.

Ms. Thomas asked if there was discussion of the minimum number of parking spaces in relation to shared parking.

(Note: Ms. Porterfield left the meeting at 6:41 p.m.)

Mr. Cilimberg said he does not know the extent to which that was discussed. Staff tried to cover what could be achieved through administration of the ordinance.

Referring to Section B, under Section 20B.7 – sidewalk ownership, Ms. Thomas said that the provision for sidewalks stipulates that they are conveyed to an owners association for maintenance, and asked if they could be conveyed to just a single owner.

Mr. Cilimberg explained that there have been sidewalks in the public right-of-way that have been privately maintained through agreements with the private entity, the County, and VDoT.

Mr. Davis commented that sidewalks are generally encouraged to be dedicated within the right-of-way and publicly maintained, and that is between the County and VDoT. He said that there used to be a provision where VDoT would allow privately-maintained sidewalks, but they do not allow that anymore. If they are going to be privately maintained there needs to be a formal agreement for that. Mr. Davis noted that the County could execute an agreement with an individual owner, but staff was envisioning a property owners association or commercial entity.

Mr. Slutzky said if the purpose of the ordinance is to make development in downtown Crozet more enticing, could that have also been accomplished by a detailed master planning process where property owners would have latitude to proffer in order to get the higher value for their land.

Mr. Cilimberg replied that it would have been difficult to accomplish it that way, because people would essentially be assured that if they come forward with proffers they would be rezoned in accord with specific criteria. He said that the County could initiate another zoning text amendment that would change what was allowed in the district.

Mr. Slutzky commented that it may not be entirely fair for the Board to increase the property taxes on people who happen to be in the downtown area, and the build out would take time. There are economic realities that will slow the process down from the vision to the reality. He asked if it is an alternative option to take all the information gathered through the public process and codify it as a detailed master plan for downtown Crozet, and then wait for the rezonings to come along as the individual property owners deem it in their interest to do so.

Mr. Cilimberg said it is difficult to get to that level of specificity in master plans. The Zoning Ordinance could be adopted without the district being implemented on the ground, and the ordinance requirements would be there if rezoning is sought.

Ms. Thomas indicated that most of this had been discussed during the master planning process.

Mr. Slutzky said that he objected initially, and wants to make sure that the public understands why – setting priorities within the growth area that might not follow natural market patterns and forcing those property owners to pay more. He understands the benefits to the community of having the downtown developed first. He stated that waiting until development occurs would allow for proffers that require affordable housing and provide substantial economic impact. While this approach has some positive value, it also has some negative consequences.

Mr. Cilimberg responded that he would not recommend the plan without zoning, but it technically could be done.

Mr. Rooker emphasized that very few downtowns have ever been developed without zoning in place, and the County has viewed this area as a priority area for commercial development that takes place in a consistent manner.

Mr. Slutzky said that there would be less likelihood that the rest of the Crozet growth area would have rezoning occurring in accordance with the master plan if they are a lower priority, and they are more likely to be redeveloped by-right.

Mr. Cilimberg stated that a downside of not rezoning the downtown district is that it would allow for by-right rezoning that would not be in accord with the vision.

Mr. Strucko asked how much would actually be changed with this downtown district, as many of them are already zoned accordingly.

Mr. Cilimberg pointed out on a map of the area that there is a fair amount of commercial zoning already, and it could develop by-right without the stipulations of this ordinance. He added that the ordinance is intending to introduce a vision of how downtown would develop and also create enough flexibility to achieve that without serious imposition on any properties.

Mr. Slutzky asked if land use planning with a detailed master plan would accomplish that.

Mr. Cilimberg reiterated that people might just stay with the zoning they have because they don't want to go through the rezoning process.

Mr. Rooker pointed out that this whole process started because many people in Crozet felt it would be a very good idea to create a consistent zoning overlay district for the downtown area, as there are differences between that area and something out on Route 29 that is zoned the same way. He thinks everyone embraced this as it was going forward, and he did not hear any negatives at the time from people in Crozet. In fact the property owners who came before the Board all spoke very positively about creating a zoning district for downtown which had its own unique characteristics that would fit the goal of what they were trying to accomplish in downtown.

Mr. Slutzky responded that he likes the concept, but is struggling with the process.

Mr. Dorrier said that in order to develop a town economically, about 2,000 people downtown are needed, and wondered if there are enough people in Crozet to support a town.

Mr. Cilimberg said that this downtown district is trying to introduce other elements in addition to residential that could support the population and provide the opportunity to live and work in the community. There is an aspect of the Master Plan that downtown could help with – some other employment centers not in downtown that would provide jobs.

Mr. Dorrier asked how businesses are being attracted to the area.

Mr. Cilimberg replied that the County has had a lot of discussions with businesses that are interested in relocating to Crozet.

Ms. Susan Stimart, Business Development Facilitator, reported that the County has been working with the existing business base trying to understand their needs in moving forward. The national competitive market requires a focus on promoting the supply chain for a local business – and this downtown code has the potential to make it easier for small businesses to support Music Today, the US Joyner operation, Mountainside Senior Living, etc.

Mr. Rooker added that Crozet has 3,500 people right now and this effort is an attempt to create a more inviting commercial environment to attract the kind of activity being talked about.

Ms. Mallek noted that one feature of the plan is that it would make the lots a lot more useable for businesses to build on.

Mr. Loach mentioned that the maximum height is four stories, and the Planning Commission discussed tapering the building heights on Carter Street within the size and scale of the neighborhood.

Mr. Cilimberg pointed out that the Carter Street west side is not included in the district, only the east side, so that those properties would come through the rezoning process to address building mass and scale as it relates to adjacent residential areas.

Mr. Loach commented that perhaps a neighborhood transition zone could be established, to buffer the change from residential to commercial and address the tax problem. This is going to be a problem for other areas with master plans, not unique Crozet. He supports attracting businesses to downtown, but does not want to force out residential people.

Mr. Slutzky said he shares the concern also in the core commercial district where there is an existing use that is far below the projected use.

Ms. Mallek added that there is protection for current existing uses to be able to make small modifications rather than full-blown compliance in the beginning.

Ms. Thomas said if the market is not there, then the assessments aren't going to be there either.

Mr. Strucko asked how the assessments would change, for the supermarket, as an example.

Mr. Woodzell responded that there are some parcels that may be deemed to already be fulfilling their highest and best use. The main question is whether removal of an existing structure would increase the return from that investment.

Mr. Slutzky asked if an individual parcel is assessed based on what its' upper end capacity could be.

Mr. Woodzell said he has to do an in-depth analysis of the parcel and determine what he thinks is the highest and best use of that property. He has to determine how the parcel is best utilized to return the investment back to the investor. The sales will eventually prove these new rezonings return of investment. He added that a property rezoned for much more intense use makes the land much more valuable because its' potential for generating income increases tremendously.

Mr. Rooker also pointed out that prices will be based on supply and demand of property, and that is true everywhere.

Mr. Strucko presented an example of having a small shop on a parcel that could accommodate a hotel, and asked how it would be assessed.

Mr. Woodzell explained that if a business is paying its commercial return now and is being assessed that way, that parcel would not have a great affect on the rezoning. The reassessment as valued on an income basis would happen after the new building was there. He provided an example of an existing residential building on Jarman's Gap that is now a dentist's office; the last time it sold, it sold for "substantially more than the assessed value. The first time one of these properties is zoned Crozet District, and it is a residence, and it sells for much more than my assessed value, and there are other similar properties, then he is going to think those other properties could return that same dollar.

Mr. Rooker mentioned the houses on Park Street in the City, where rezoning has related in higher value for homes within the business area than those that are just in the residential area. The issue is whether the people who own these properties in downtown Crozet want to see this done.

Mr. Davis said that a transition zone wouldn't address this issue unless that zone didn't allow the same uses as the highest and best use that was different. The fact that it is in a different zoning district would not allow it to have a different assessment value – it would still depend on the highest and best use based on fair market value, what a willing buyer would pay a willing seller. He added that by constitutional requirement it has to be at 100 percent of fair market value and uniformly assessed.

Mr. Loach asked if it could be stipulated within mixed zones that residential could be valued based on highest residential value rather than how it might generate commercial impact.

Mr. Davis replied that that would still not avoid having it valued on the highest and best use allowed.

Mr. Cilimberg noted that Carter Street, on the west side which is residential, is identified in the Master Plan as a CT-5 area, which means it has potential to develop at a higher intensity than its current zoning. Keeping the area on the west side out of the Master Plan zoning would allow those properties to make decisions about when they would like to intensify. He commented that this would allow them to come in through the rezoning process to try to achieve a new zoning and give the Board and Commission the opportunity to deal with the scale of development.

Mr. Slutzky asked if you would achieve the same thing in the central business district if you intensively master planned without rezoning.

Mr. Cilimberg replied that most of that area is already zoned commercial.

Mr. Strucko said that the initial presentation to the Planning Commission excluded the lumber yard area and they questioned the wisdom of that, but were told that it had potential to recover proffer monies. He stated that the Commission did not feel that it was in the best interest of the plan as the whole point of the master planning exercise was to have business locate and remain here without the additional financial burden of proffer payments. Mr. Strucko reported that that owner did not want to be included in the district.

Mr. Cilimberg responded "yes" and said the community also made the recommendation that he not be included. In addition, the Commission agreed that it is an area that could be addressed through the rezoning process.

Mr. Strucko also stated that residents that wanted to be excluded from this were accommodated, as they did not want to feel the financial hardship of an additional tax burden, so there is already a precedent for including and excluding particular areas.

Mr. Cilimberg mentioned that three parcels are involved in the library. He and Ms. Mallek indicated an area where three owners have provided input.

At this time, the Chairman opened the public hearing on ZTA-2007-005 and ZMA-2008-002.

Mr. Thomas M. Oakley said that he owns the property at 1278 Crozet Avenue and would like to have it incorporated into the Master Plan. There are two things that could happen to that area. He said that it could be a parking area or affordable housing. It is currently zoned residential but he has had many inquiries about having it zoned commercial. Several business owners have expressed interest in his property. He pointed to his property on the map.

Mr. Sandy Wilcox said he is speaking for himself not the Downtown Crozet Association. He commented that there is a "real problem" because of greed in an attempt to get proffers or taxing away residential properties. There has to be a way when the County initiates a rezoning to figure out how to target an area without forcing residences out by taxing them to death. Mr. Wilcox said that this is being based on a tax system that attempts to collect as much as possible before use is even changed on a property. He said that the recent increase of 8.15 percent of his property assessment is ridiculous and was fueled in part by the library parcel purchases. The County is turning the commercial areas against the neighborhood areas which are not what they want to do.

Mr. Carroll Conley said he owns a lot of land in downtown Crozet – the lumber yard and all the industrial land – as well as land that is outside the "blue area." He approves of what the Crozet community has supported here. He has not had complaints from neighbors on potential tax increases, as they want the town to survive. Mr. Conley said there was strong support for the lumber yard to be zoned heavy industrial, and it now employs 47 people in Crozet with lots of room to expand. He agreed that if the lumber yard was ever sold to a developer, the County would have the right to ask for proffers. They need to put their great minds to use for the livelihood of downtown Crozet. He asked the Board and Commission to favorably consider this proposal.

Ms. Ashley Cooper, speaking on behalf of Atwood Architects and the owners of the Great Value Shopping Center, said they have been delving into master planning for a lot of the property in the downtown Crozet area based on the proposed zoning ordinance. Ms. Cooper asked about the façade breaks and whether the height of the break has to be for the entire façade of the building or just at the ground level. She also asked if the sidewalks were left in private ownership how the setbacks would be determined - as the actual setback seems to be taken from the back of the sidewalk instead of the property line as it is measured in typical zoning practice. She also commented that the residential section stipulates that the first floor of the building is designed for being occupied only by use permitted in subsections, but the properties in downtown Crozet are "very deep." She asked if the intent is that the County does not want it on any of the primary street fronts, not the entire first floor. Ms. Cooper referenced language from the Charlottesville Code that addresses not having residential on the street frontages.

Mr. Mike Marshall, Chairman of the Crozet Advisory Council and a member of the Downtown Association, addressed the Board and Commission. He said that when he was President of the Crozet Community Association, the group wrote a letter to the County requesting relief from parking problems but it was never answered. Mr. Marshall commented that he believes this plan should be adopted, even though he does not agree with every point contained within it. He stated that the code sets out an ideal,

and every property will present some "little particular difficulty" in meeting the ideal – but it wouldn't make sense to have them all come and get a rezoning in order to make them fit. There is a need to have a little slack here where planning people can make reasonable and common sense allowances in these rules. The object is to not force people to come back for rezonings. Mr. Marshall also said that the context of the growth area is somewhat lost, as there are properties on the highways already zoned, and this gets downtown back on par with competitors in the growth area. He noted that he supports taxation according to use.

Mr. Rooker commented that that's the law, and the statute is very clear.

Mr. Marshall responded that the General Assembly should fix this, and one way to get around it in this situation would be to adopt the boundary but not change the zoning until properties actually sold or went in for a business license.

Mr. Rooker said that you cannot really do that, but you could leave them out of the rezoning and allow them to be rezoned in the future on a case by case basis. You're either rezoned or you're not.

Mr. Marshall said, if that is the case, he thinks they should be rezoned. Currently downtown is emptying out businesses and the highway is piling up businesses. In his mind, the boundary is actually inadequate. There is only about one acre of downtown available right now, and he questions the adequacy of that being enough to stimulate growth there. He thinks the Board and Commission should approve these requests.

Mr. John Michaelsen said he lives on Carter Street and supports the plan as it comes through. Most residents in that area realize there will be commercial development nearby someday. He said that their greatest concern is that whatever development is done takes into account the nature of the existing neighborhood, and infill be thought of differently than just developing commercial or empty tracts of land. Mr. Michaelsen emphasized that the County hasn't figured out yet what to do with transition zones. For all the master plans, he thinks the County needs to come up with some sort of concept by which infill and retromaking of existing residential neighborhoods can take into account the people who live there and the future of the place.

Mr. Tim Tolson, a Crozet resident and President of the Jefferson Madison Regional Library Board of Trustees, asked the Board and Commission to adopt the plan. He said that the parcel downtown for the new Crozet Library is zoned residential, and if this plan is not adopted they will have to go through the rezoning process and further delay the project.

Ms. Camille Phillips said she owns some property next to the Dairy Queen and across from the Rescue Squad, which is currently zoned residential. She encouraged the Board and Commission to adopt the proposal. She and her neighbors have property that they are hoping to develop commercially to help promote neighborhood-friendly growth. It is a very bad place for a house, but it's a great place for a business.

With no further public comments, Mr. Boyd closed the public hearing.

At this time, Mr. Boyd said he would turn the discussion over to the Commission for their deliberations.

Mr. Morris said that during previous Planning Commission deliberations it became evident that the people most affected by this are the most supportive of it.

Mr. Strucko asked Ms. Mallek if she was aware of landowners that expressed an interest in being in or out.

Ms. Mallek responded that she is aware of one landowner between the Park and Park Street. There are two lots on that side of the street that back up against the lumber yard – one owner said that he did not want to be in and the other did not contact her.

Mr. Cilimberg noted on the map the location of those properties.

Mr. Strucko asked if the Commission was willing to make boundary adjustments as part of their recommendation to the Board.

Mr. Morris asked if that was part of the process.

Mr. Cilimberg responded that the Commission can make recommendations as to moving properties out, but any addition would require re-advertisement and a new public hearing.

Mr. Strucko commented that his concern is that the Commission has already set a pattern of adjustment and have been very accommodating to landowners and community groups. He said that he agrees with the overall concept but wants to make sure that this goes as far as possible to accommodate without debilitating the plan. Mr. Strucko said that this plan is very favorable, is consistent with the master planning process, and is supported by the community. Aside from boundary adjustments, he will support the plan.

Mr. Loach agreed, adding that Crozet is grateful for the infrastructure and the entire plan is a great positive for the community. He hopes there is a way to facilitate reasonable changes in the zoning and get

them implemented as quickly as possible without being too onerous on the property owner – perhaps administrative approval for minor changes. He also thinks they could have found a way to make a transition zone work, as it will be germane to every Neighborhood Model project. He supports the plan as proposed.

Mr. Edgerton stated that he agrees with his colleagues, but commented that he was frustrated with some of the adjustments that were made. One of his concerns has been that the rezoning of districts does not guarantee that the market is going to respond the way a community would want it to. Mr. Edgerton concurred that more effort needs to be put into establishing a transition zone, but the opportunity to do that over time is there because the Master Plan does designate the areas around as higher density than what the current zoning allows. This is a compromise and there has been a great deal of effort to be responsive to the community of Crozet. He hopes it will work and the market responds to this incentive. He thinks the Commission needs to support this effort.

Ms. Monteith commented that she agrees with other comments, but added that the potential variation as mentioned by Ms. Cooper be presented as a range or percentage. She said that the only other issue of concern was the bottom floor of a building, as some adjustment would need to be made for the back sides of buildings.

Ms. Joseph said that she wants to see something done for the outdoor amphitheatre facility so that staff would have something they could reference for hours of operation and noise. She would also like to see – within the purpose and intent of this – the promotion of diversity as well as economic and social vitality as currently stated, so that affordable housing could be referenced.

Mr. Morris expressed his support for the proposal. The Commission has worked on it and heard from the people of Crozet.

Mr. Cilimberg commented that the devil is in the details, and Ms. Joseph mentioned something to be included as additional language. He said that staff hasn't been able to identify any administrative waiver language to deal with what Mr. Marshall mentioned, and staff might need some time to get the right language for that. Mr. Cilimberg stated that about all that could be done now would be extend the setback from 15 feet to something greater, but if language was needed for a more general administrative waiver it would need to be brought back. He also said that he is not certain about stipulations for the hours of operation of the amphitheater.

Mr. Rooker mentioned that downtown Charlottesville addresses the time restrictions through a general ordinance, and asked if that would be something that could be implemented here.

Mr. Davis responded that the County has noise ordinance provisions that relate to uses in the Zoning Ordinance, and nuisance noise provisions in a separate ordinance in the County. He said that this is more of a Zoning Ordinance use provision, and Ms. McCulley determined that there are fairly restrictive maximum decibel levels within the current Noise Ordinance that are measured from the receiving property depending on how they are zoned.

Ms. Joseph said it sounds like it is already taken care of, and that is what she wanted to hear.

Mr. Strucko said that his concern is the boundaries. He wants to make sure that residential owners can make a determination about their property. He said that the tax issue is his biggest concern and he wants to make sure that he understands the implications of the rezoning on residences within the district. Mr. Strucko stated that he would like to include language with a provision that residential owners would be contacted and allowed to make a determination about their property, as the residences seem to be on the periphery anyway.

Mr. Morris commented that this would seem to delay the process.

Mr. Rooker asked if every property owner has been notified.

Mr. Cilimberg agreed that it would delay the process, and every property owner has been notified. He said that staff and Ms. Mallek have heard from those property owners, and those parcels are known if they are to be included in the motion.

Mr. Boyd asked at what point modification of this would require another public hearing.

Mr. Cilimberg emphasized that if there is going to be a property added that was not in the original advertisement, there would need to be another public hearing, but the Commission could make a recommendation to add a property. He also said that there was mention of where the setback gets measured from, and it does get measured from the right-of-way so if a sidewalk was out of the public right-of-way it would be in the setback. Mr. Cilimberg stated that residential in the back side of a first floor was never really addressed, and the ordinance would require that the first floor be nonresidential throughout. He added that he is not sure how the second floor continuing between the façade breaks is covered by the ordinance and it would need to be clarified.

He also mentioned that staff has provided language for the change to the stipulation for building entrances, and would clarify only the cases where primary entrances are located on the side of building – that they should face the front of the building. Mr. Cilimberg also said that the clarification to be made regarding stories should be achieved through the use of windows “or” building entries on each story – not “and” building entries. Regarding location of parking that needs to be screened, he said that it was

important to note that that's parking that abuts the street on which the parking area exists. He said that the screening would be required along the public street for the abutting lot where the parking exists. If there is a vacant lot, it would not make sense to do screening, for example in an alley. Mr. Cilimberg stated that the height of the wall or fence was noted as being consistent with the rest of the ordinance as six feet rather than four feet in providing for basic separations.

Mr. Loach pointed out that Mr. Marshall's comment about going from 15 to 18 feet was a statement for flexibility, rather than a specific change. Regarding the residential on the back side, Mr. Loach said that he would prefer to stay with commercial on first floors and residential above. He commented that an "opt-out" should be accepted, as long as it can be demonstrated that not doing so would create a tax problem for that resident.

Mr. Morris asked for more detail on the parking screening requirements.

Mr. Cilimberg explained that the ordinance stipulates that when parking is more than five spaces and is visible from one or more public streets abutting the lot on which the parking area exists, it would be screened. He said it was not intended to have screened visible parking areas that sit in the back side of a building, when there is a vacant lot.

Ms. Joseph asked if the intent was for opaque walls to be six feet tall.

Mr. Cilimberg replied that it is four along the parking lots, and the six feet relates to residential areas where it serves as a screening fence or wall.

Motion was then offered by Mr. Loach to adopt ZTA-2007-005, the Downtown Crozet District, with the provisos as stated by Planning staff, and allowing one resident to opt out of the district. Mr. Strucko **seconded** the motion.

Mr. Kamptner noted that there had been discussion of administrative waivers and staff's need to develop the criteria for those – for setbacks, façade breaks, landscaping, and screening.

Mr. Loach **amended** his motion to reflect that. Mr. Strucko amended his **second**.

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

AYES: Ms. Joseph, Mr. Morris, Mr. Edgerton, Mr. Loach and Mr. Stucko.

NAYS: None.

ABSENT: Mr. Cannon and Ms. Porterfield.

Motion was then offered by Mr. Loach to approve ZMA-2008-002, the Downtown Crozet District, with the one lot as designated by staff to be moved out of the district.

Mr. Davis said that the lot could be specifically identified in the Board's motion.

Mr. Strucko **seconded** the motion.

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

AYES: Ms. Joseph, Mr. Morris, Mr. Edgerton, Mr. Loach and Mr. Stucko.

NAYS: None.

ABSENT: Mr. Cannon and Ms. Porterfield.

Mr. Morris said the motions passed unanimously and will be forwarded to the Board. He thanked staff for all their efforts.

(Note: At 8:16 p.m., Mr. Morris adjourned the Planning Commission.)

Mr. Cilimberg said that there is now an ordinance and map recommendation forwarded from the Commission. Staff needs a little bit of time to work on the changes and bring them back to the Board. He stated that a public hearing would not be needed.

Mr. Davis stated that he would recommend the changes to be included in the ordinance, and address the administrative waiver provision to include it also, as well as modifying the resolution and the map to reflect what is being rezoned so there will be no confusion as to where the boundary line is. He said that it is possible to bring this back next Wednesday, but more time would be helpful.

Ms. Mallek commented that there is huge urgency on the part of the community, and asked if there would be a way to adopt this in part now.

Mr. Davis responded that he would not recommend that.

Mr. Rooker said that it could be on the Consent Agenda next week.

Mr. Tucker said that the Board has an afternoon meeting anyway and it could be considered then.

Mr. Davis said that it is possible to prepare it for next week.

Ms. Thomas asked when the Board of Zoning Appeals comes into play, as a specific request for something like a patio that fit into the “spirit” of the ordinance could be allowed.

Mr. Davis explained that the BZA would only be able to provide relief if it denied all reasonable use of the property, and the waivers mentioned would be administrative waivers so some standards need to be in place. He said that the way the ordinance is set up now, if a waiver is granted or denied under provisions there is an appeal process to the Planning Commission, and to the Board, if necessary.

Ms. Thomas stated that she believes everyone is behind getting downtown Crozet thriving, and the purpose is not to make that more difficult. She thinks they have done the right thing here, but it is the desire to not strain at the gnats that she is worried about.

Mr. Davis said that there is a certain form of development that the Board and Commission find important, but in order to hold people to that form there must be some standards in place – such as the front setback requirements – but administrative waivers could still uphold that.

Ms. Thomas also commented that communities have long struggled with transition zones, and it’s never going to be easy to deal with those. She does not think that they can fix them by a zoning decision, particularly not one made tonight.

Mr. Slutzky said that he is emphatically committed to revitalizing downtown Crozet, but he fears that passing this will create the unintended consequence of killing downtown Crozet off instead.

Mr. Rooker pointed out that with the exception of one property owner, every other property owner in downtown Crozet seems to be in favor of doing this.

Ms. Mallek added that the current waiver is from 10 to 15 feet. The neighborhood meeting last week addressed topography and special cases. She also mentioned that façade breaks also provide sunlight and views, which are really important.

Mr. Dorrier stated that there should be some transitional zoning put in.

Mr. Rooker responded that that would change this ordinance completely.

Mr. Boyd noted that this would be brought back to the Board next week.

Mr. Cilimberg said that the Planning Commission’s recommendation included a second floor and up connection on the façade break just on the ground floor; and Ms. Mallek noted that the Zoning Ordinance called for a complete break. Staff needs to know which way the Board feels like it wants to have that.

Mr. Morris recalled that that was just an offhand comment, not something to be incorporated. He does not believe that was the Commission’s desire to make it part of their resolution.

Mr. Cilimberg said staff will make sure that the language is clear that there is a complete break.

Mr. Slutzky asked if this should be left without parking maximums.

Ms. Thomas responded that she wants to deal with parking in a major way, but not through this proposal.

Mr. Rooker said that the biggest concern in downtown Crozet is the lack of parking.

Ms. Mallek commented that it is unlikely there would be excessive parking facilities built, as they tend to be expensive.

Mr. Boyd added that these items will come back to the Board for their action on June 11th.

(Note: At this time, the Board went back to Item 7.7 from the consent agenda.)

Mr. Boyd said that there was a suggestion to replace the word “new” with “additional” and leave off the last phrase that references Northern Virginia and Tidewater.

Ms. Thomas suggested adding the words “...and continue efforts to improve coordination of land use and transportation connections.”

(Mr. Dorrier left the meeting at 8:28 p.m.)

Mr. Rooker then **moved** approval to adopt the Transportation Funding Resolution with the changes as indicated. Ms. Mallek **seconded** the motion.

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

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

(The adopted resolution is set out below:)

Transportation Funding Resolution

Whereas, an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and

Whereas, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and

Whereas, the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and

Whereas, the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and

Whereas, funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and

Whereas, regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and

Whereas, transferring State general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety; and

Whereas, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and

Whereas, since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning;

Now, Therefore, Be It Resolved that the County of Albemarle, Virginia, hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, additional, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs; and

Be It Further Resolved, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, additional, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth, and continue efforts to improve coordination of land use and transportation connections.

(Note: Mr. Dorrier rejoined the meeting at 8:34.)

Agenda Item No. 23. From the Board: Matters Not Listed on the Agenda.

Mr. Slutzky said that there is a legacy situation in the growth areas of some neighborhoods that are on septic fields – Northfields, Carrsbrook, etc. – and the Albemarle County Service Authority has added in sections of sewer lines over the last several years by choosing the least expensive line they can get the most number of people on, then try to get 51 percent of residents signing up before they start building, but that has resulted in smaller harder-to-build sections still left. He reported that some of his constituents in Wakefield and Huntington Roads have an urgent need to get onto the sewer line, as their own systems are failing. He went with some of the neighbors door-to-door to try to get commitments, and they were unable to get the 51 percent. Mr. Slutzky said that he learned that if the Board would require availability/access fees in the growth areas so people could hook up to the sewer line, the property owner would have to pay a monthly fee to the Service Authority, but not spend money for the connection fee. The property owner would pay the access fee until such time as they hook up to the sewer line. If the Board were to require that in the growth areas that when the Service Authority chooses to build a sewer line, all residents who have access to that sewer are obligated to pay this access fee, the Service Authority would likely build out the systems to their completion in those subdivisions and others. It is a cheaper and better way for installing the sewer lines to do all in a larger scale, than in a piece meal, as has been done. He asked if Board members would consider the idea of the availability fee.

Mr. Rooker asked if the Service Authority would be the entity to impose the fee. He would like to get a staff report and an understanding of how many areas this may involve.

Mr. John Martin, a member of the Albemarle County Service Authority Board, said the Water and Waste Authority's Act, Section 51.37, covers this. The section states that if authorized by governing body via ordinance, a water authority can go into a subdivision and install a water system and require connection to the system. He said that the exception would be people who have existing sewer systems that satisfy the department of health are not required to hook up, but they may be required to pay a connection fee and availability fee on a monthly basis. He believes they can be required to pay the connection fee upfront. He added that connection fees are \$7,000 to \$10,000.

Mr. Davis said he does not think the section requires local government approval; it can be done by the Service Authority. It states that notwithstanding any other provisions those persons having a private septic system or domestic sewage system shall not be required to discontinue the use of the system however such persons may be required to pay a connection fee, a front footage fee, and a monthly non-user service charge which shall not be more than the proportion of the minimum monthly user charge imposed by the authority as debt service bears to the total operating and debt service cost or any combination of such fees and charges. Mr. Davis said it could be a connection fee or a nonuser service charge fee or both.

Mr. Slutzky said that if the Service Authority would build the whole system knowing that they have the availability fees from all the residents, he would be comfortable with that.

Mr. Martin mentioned that the first paragraph of that section says that the Service Authority regulations have to be authorized by the Board of Supervisors.

Mr. Davis said that the "notwithstanding" language seems to trump that.

Ms. Mallek asked if the Board has the privilege of saying when they do hook up they can pay over time.

Mr. Martin pointed out that this came up with Northfields, Phase IV, where there are 15 houses – nine of which wanted to sign up and six that didn't. He said that there was one property owner where three sides would need to be condemned for easements, and two of the three huge trees to be cut down were on her neighbor's lot. Mr. Martin said that the situation added a great deal of complexity, and there are 223 houses total in Northfields – with 163 of those lots having access to sewer and 57 lots left to be connected. He added that of those already with sewer access, 53 people have decided that they do not want to pay to hook up.

Mr. Slutzky noted that many of them are on fixed incomes, and older, and their septic systems work.

Mr. Rooker commented that a lot of people have a reason for not wanting to hook up.

Mr. Martin said that the Phase IV project is going to cost \$400,000, so if only nine people hook up in this phase it would be about \$50,000 for each of these houses. He said that Mr. Slutzky came up with the idea of adding homes from Wakefield Road, but most of those people would not want to hook up as they've been asked before. Mr. Martin stated that the Service Authority does not officially know that there are failing systems there. He said that one tool to help finish the Northfields project might be the statute mentioned, and the Service Authority Board has not decided that they want to do that, but that might be the best solution.

Mr. Rooker said that it sounds like the Service Authority has the latitude to do this.

Mr. Davis stated that his reading of the statute is that the concurrence of the governing body is required if you're going to require existing residences to connect, but the provision "C" with the "notwithstanding language" stipulates that just requiring a non-user fee does not require the concurrence of the local governing body.

Mr. Martin said that Mr. Jim Bowling, the Attorney for the Service Authority, has indicated that the issue of mandatory hookups for new development came up in the 1990s.

Mr. Davis emphasized that the Board adopted that concurrence for new development, but that is not what is being addressed here.

Mr. Slutzky stated that it might be helpful for the Service Authority to hear that if they were to impose the mandatory availability fee, the Board would be supportive of it in principle.

Mr. Rooker asked if it could be addressed on a case by case basis.

Mr. Davis replied that it would apply as a blanket decision across the County, wherever sewer hookups are available.

Ms. Thomas asked if this would also impact water hookups.

Mr. Davis said that this provision is only applicable to sewer, not water.

Mr. Slutzky said that his recommendation to the Service Authority would be setting the fee as low as possible to still make the economics work, and creating a program where the hookup fee could be paid out over a period of years.

Mr. Martin responded that the Service Authority has considered that, but there is no way to turn off their sewer so a lien system would need to be implemented, etc.

Mr. Boyd said that this doesn't seem to require Board action, and the Service Authority should take it back and discuss it.

Mr. Martin said he is not speaking on behalf of the Service Authority Board; he is just present and happens to be a member.

Mr. Rooker commented that it would have broad implications and should be considered as such.

Mr. Slutzky said the Service Authority seems to continue to build the cheaper little pieces and leaving behind the more expensive systems which is making it harder to complete the promise of sewer and water in the growth area.

Ms. Mallek said it would be more efficient to do it neighborhood by neighborhood.

Mr. Martin commented that the Service Authority Board meets the third Thursday of every month.

Mr. Slutzky said if it is useful for him to attend the Service Authority Board meeting, he will do so, and make the case.

Ms. Thomas said that she sent an email with her thoughts regarding the South Fork Rivanna Reservoir issue and a visioning process. The consultants, who design dredging operations, have indicated that it is important to answer the question of "why dredge," and she does not think the community has done that. She suggested that the City, County, and RWSA should start a process to address this. Others people from the community have suggested a task force but she thinks that will drag on and on. Ms. Thomas said that she would support having a few facilitated meetings where the public would attend and comment, and asked the Board if they would want to take the lead on this or how they might want to proceed.

Mr. Boyd said that the City Council has informally reached out to the Board through a resolution.

Mr. Rooker said he would be willing to pass a resolution, which essentially re-approves the water supply plan in its present form and including the two additional paragraphs (in reference to resolution adopted by City Council-copy on file in Clerk's office). He agrees that it seems wise to decide why to do dredging and what is expected from it. He noted that a lot of the visioning is dependent on dollars, as a maintenance dredging process would be much less than full dredging. Gahagan & Bryant have recommended against partial dredging.

Ms. Thomas said that she views that differently than outcomes, which might include goals of having areas deep enough to row, keeping the wetlands at Ivy Creek, and other use questions. She stated that other entities would have to decide what tools are the most effective to achieve those goals. Again, she thinks the first step is to determine what you most treasure about the Reservoir.

Mr. Slutzky commented that the preservation of the recreational service value of the body of water is one outcome, but it also adds a robust dimension to the water supply plan. He expressed concern about going down a visioning process road because of the personal opinions of some on City Council, and it might be more appropriate to tell Council that the County supports dredging. We already know that there are several good reasons for dredging.

Ms. Thomas replied that she is not sure that she supports dredging at this point. She is not sure the Ivy Creek Natural Area wants to have that area dredged because it is nice and educational wetlands. A community discussion needs to take place to discuss those things. She also said that dredging down to original contours might not be needed to have parts of the Reservoir be robust, but there is a lot of time between now and eventually and dredging may not improve the height of the Ragged Mountain Dam or the availability of water in a drought. Ms. Thomas stated that the word "maintenance" is used, but what it means is not clear.

Mr. Boyd said that the Board needs to send a message to the RWSA as to how to proceed in making this decision.

Ms. Mallek suggested having them come to a joint City-County meeting.

Ms. Thomas asked about the wisdom of having the rate-payers cover dredging costs if the goal is just supporting rowing.

Mr. Rooker said that it would be ridiculous to dredge and not obtain additional capacity, and the numbers will likely indicate that it's more cost-efficient to create capacity while dredging for other reasons. He added that there are reservoir areas that are turning into wetlands, and they won't be allowed to be cleared out once they get to that state. He thinks it is an appropriate item for rate-payers to fund as it's a community resource and is part of the water supply plan. It is also connecting two viable reservoirs.

Mr. Tucker suggested that rather than just asking Rivanna, the Board could appoint someone from the Board to meet with City Council.

Mr. Boyd said that he would get with Mayor Norris and see where to go from here. Board members agreed.

Ms. Thomas said she recently attended a two-day forestry conference. On June 17th she will be meeting with the Department of Forestry to talk about the forestry part of land use taxation. She noted that the department has acquired a couple new staff people who are charged with emphasizing conservation of forests, in reaction to the resolution recently passed by Governors of all Chesapeake Bay watershed states that emphasized forest protection.

Ms. Thomas said that she participated in a canoe trip from the South Fork Rivanna Reservoir to the former Woolen Mills Dam site, with Department of Conservation and Recreation staff, to expand the scenic designation upstream to the Reservoir. She stated that they ended up with 210 points with 205 needed to qualify, but DCR then indicated that the County would have to get in touch with all of the landowners. This may turn into something the County is going to have to get involved in if it is interested in pursuing the scenic designation.

Ms. Mallek said that the Rivanna Conservation Society would be a good organization to involve with contacting landowners.

Ms. Thomas said she participated in a Virginia Transit Association meeting. The Social Services Department did a client survey about bus transportation that could be briefly presented to the Board in the near future.

Mr. Slutzky suggested that if they cannot attend a meeting, it would be good to get a copy of the questions and answers from the survey.

Ms. Thomas said that the Mountain Overlay District Committee has never been thanked or adjourned, or recognized by the Board, and it would be appropriate to do so.

Mr. Tucker said that Ms. Carey is working on this.

Mr. Rooker noted that it is important to note that several ideas that came out of that Committee were incorporated in the Rural Area Plan.

Ms. Thomas said that the High Growth Coalition will be meeting on June 20th in James City County. She, along with Mark Graham and Wayne Cilimberg, will be attending. The meeting will focus on affordable housing, the proffer system, and new legislative initiatives. She said that after the meeting participants would tour a Neighborhood Model development that incorporates a variety of housing types.

Ms. Mallek stated that she has been contacted by several people in Crozet about getting a commuter bus, and this has been forwarded to CHART and to the Crozet Community Association. She said that residents have seen the JAUNT bus operating from Mountainside, and this has spurred interest in another bus. She will also be contacting Donna Shaunesey from JAUNT.

Ms. Mallek asked about the status of the Resource Utilization Study.

Mr. Tucker replied that staff is finalizing the scope of work and will be contacting potential bidders. He hopes to try to bring something back to the Board next month.

Ms. Mallek then offered **motion** to appoint Virginia Gardner as the White Hall District representative on the Board of Equalization. Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Ms. Mallek said she concurs with Mr. John Martin's comment to keep verbatim minutes.

Mr. Slutzky asked what has prompted this issue.

Mr. Davis responded that the Board has a work session on this topic next week.

Mr. Slutzky said that he has no desire to go to summary minutes, and said it would be a terrible mistake. He asked if there is any interest by Board members, and if not, why they are taking time to have a work session on something they do not want to do.

Mr. Tucker explained that staff wants to show the cost of doing more detailed minutes.

Ms. Mallek said it is the cost of doing business that the citizens demand.

Mr. Rooker said that the item should at least be brought forth for discussion.

Ms. Mallek commented that she saw Ms. Beth Golden, who now has a full-time job but expressed interest in resuming the minutes.

Ms. Thomas said that there is also an in-house person who has been doing the minutes and enjoys them.

Ms. Hoy commented that that person was a temporary employee and has moved onto another assignment.

Agenda Item No. 27. Adjourn.

At 9:14 p.m., Mr. Rooker offered **motion** to adjourn the meeting until June 11, 2008, 3:30 p.m., Room 241. Ms. Mallek **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Chairman

Approved by Board

Date: 06/10/2009

Initials: EWJ
