

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 13, 2008, at 6:00 p.m., Lane Auditorium, County Office Building, 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, and Senior Deputy Clerk, Meagan Hoy.

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

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Recognition: Proclamation recognizing August 26, 2008 as Women's Equality Day (deferred from August 6, 2008).

Mr. Boyd announced that two versions of a proclamation have been proposed, a shorter version recognizing the accomplishments and importance of Women's Equality Day in the County. This version was before the Board last week and it is in sync with what the Board adopted in past years. At that meeting some Board members felt the Board should adopt the longer version which in his view is more of an advocacy type of proclamation. He thinks the longer version has a lot of verbiage condemning activities that he does not think are going on in this community. He thinks the Board represents this community; it does not represent nationwide or state issues. In his mind, proclamations recognize historical events of importance, not advocacy. He thinks Women's Equality Day is an important time and needs to be recognized, but leave it at that.

Mr. Dorrier said the longer version of the proclamation refers to laws and policies that discriminate against girls and women in general; yet it does not cite those laws and policies. The proclamation then refers to certain laws and policies that have been put into effect and may be erased at a later time; yet it does not talk about what laws and policies it is referring to. It is a broad brush and does not deal with specifics. He thinks the Board members need to know what they are voting on.

Mr. Rooker said part of the proclamation refers to laws from past years, not current years. The proclamation states that: "...in the past years, laws and policies in the Commonwealth of Virginia have unjustly discriminated against girls and women in general, or against particular classes of women, such as in matters of reproductive rights, sexual assault, marital property, and sexual harassment, ..." It does specify areas being talked about.

Mr. Dorrier said the proclamation also states: "...although some laws and policies have been somewhat eased, such improvements can be, have been, and are being reversed..." He is not sure he knows what that means.

Mr. Rooker said these are all "whereas" and are descriptions of past events, issues, etc., that have affected women. The proclamation is the actual "be it further resolved that ..." He does not see anything that is inaccurate or improper in the proclamation.

Mr. Boyd said the proclamation also urges the Board's condemnation of some of these treatments which implies that they are ongoing now. Again, he does not think that is something this Board, as a body, needs to say. If any individual wants to take a particular stance on this, that is fine, but it has not been the Board's past practice to adopt these types of resolutions. He does not think the Board should take on this type of national issue.

Mr. Rooker said that almost every time the Board passed something that recognizes a day, it had a long list of things incorporated that included statements of why we are making that recognition. There have always been a series of "whereas" describing the circumstances upon which the resolution is based. There were a couple of items in the longer version that he objected to because he did not think they were factually accurate, and Mr. Slutzky agreed to remove them in his redrafting of the proclamation. He is comfortable with the proposed proclamation.

Mr. Boyd then read the proclamation adopted by Board members in past years.

Mr. Slutzky said the whole idea of Women's Equality Day is to acknowledge the history of progress with respect to women's rights. This proclamation that he will support acknowledges that there is a long history of gender discrimination in virtually every aspect of American culture and society. While there have been some movements forward, there is still much progress to make. He thinks it is completely appropriate for an elected body to weigh in on issues like this just as it would be weighing in on the shorter version. The version he is proposing recognizes the history of gender discrimination that has been experienced by women throughout the United States including the Commonwealth and Albemarle County. He then read the "Be it Further Resolved" portion of the proclamation. He does not see anything in the language that is inappropriate for this Board to support with enthusiasm.

Mr. Boyd said if the Board were establishing an employment policy, then he would agree. This is a proclamation and he does not think any of the things are being done in County government.

Mr. Slutzky said this is not an account of County policy; it is an acknowledgement that the community needs to be aware of the importance of forward progress with respect to gender biased issues.

Ms. Mallek said her grandmother was a suffrage worker. Vigilance is important and it is well worth it if the Board can inspire people to be vigilant. She prefers the more detailed version of the proclamation.

Ms. Thomas said she wrote the shorter version and it has been good for a number of years. She wrote it because she thought it was the only version that would get adopted. Mr. Boyd had commented that such things were not happening today, but within the last week, she learned that the mental health programs offered by the State and by the local Region Ten Agency for substance abuse, are 70 percent for men. She supports the longer version of the proclamation.

Mr. Slutzky then **moved** that the Board adopt the longer version of the Women's Equality Day proclamation included in the Board's packet for today's meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Dorrier (prefaced his vote by saying he thinks this proclamation is too broad. He does support Women's Equality Day.) Mr. Boyd (prefaced his vote by saying he would have supported the shorter version.)

Mr. Boyd then read the following Proclamation and presented to Kobby Hoffman, President of CNOW:

WOMEN'S EQUALITY DAY

WHEREAS, many decades of effort by workers for women's rights were required to obtain passage of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

WHEREAS, in 1848, 160 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still no reliable protection in the U.S. Constitution for women against sex discrimination in general; and

WHEREAS, in the past years, laws and policies in the Commonwealth of Virginia have unjustly discriminated against girls and women in general, or against particular classes of women, such as in matters of reproductive rights, sexual assault, marital property, and sexual harassment, and although some laws and policies have been somewhat eased, such improvements can be, have been, and are being reversed; and

WHEREAS, some institutional policies, whether overtly discriminatory or "facially neutral," in public, voluntary, and private institutions, still have inequitable effects on women; policies such as those dealing with job promotions, occupational choice, recreational opportunities, and access to medical care (including reproductive and abortion services), and stereotypes still exist which limit women's roles and activities; and

WHEREAS, young girls and adult women still must contend with unwanted touching, sexual and verbal assault, and rape, and being viewed by men as objects to use, thus illustrating that many stereotypes are still operating which reinforce unjust assumptions; and

WHEREAS, most of the care of the young and the elderly is still given primarily by women, many of whom through economic necessity must also work in the job market and/or at home; and

WHEREAS, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim **August 26, 2008**, as **WOMEN'S EQUALITY DAY** in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all; and

BE IT FURTHER RESOLVED that the Board urges all citizens on August 26 and thereafter **(1)** to treat all distinctions and classifications according to sex as initially suspect and to be questioned until they are justified by an equitable and compelling interest of the community, the institution, or the individuals affected; and **(2)** to require that the burden of justification for any distinction according to sex be borne by those who wish to discriminate against women as compared with men; and **(3)** to examine all "facially neutral" criteria such as physical stature requirements, occupational qualifications, child care assistance opportunities, home maintenance responsibilities, elder care benefits, and disability benefits to determine whether they have disparate impact on women; and **(4)** to promote affirmative action in the public, voluntary, and private sectors in order to overcome the effects of past discrimination and

stereotyping which have limited the life chances of women and girls as compared with men and boys; and (5) to eliminate all unjust discrimination and prejudice against women and ensure equality of rights, privileges, and responsibilities under equitable principles and practices for all women and men.

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

Ms. Mallek noted that at the Water Conference last Saturday she had a conversation with Nissa Dean, Regional Manager, James River Office, for Virginia Department of Conservation and Recreation. Ms. Dean informed her that the DCR is working on a statewide template for stormwater ordinances. She noted that the official communication from Richmond is for counties to continue developing their own stormwater ordinances as rapidly as possible, and that there is no chance the County would be asked to downgrade any template it produces.

Ms. Mallek provided copies of a handout from the Virginia Cooperative Extension, asking: "What if each Virginia household annually spent \$10/week on Virginia produced/grown food and farm products?" She said the effect in Albemarle County's economy alone would be \$20.0 million plus annually; \$50.0 million in the northern region which includes the counties surrounding Albemarle. In addition to all the other benefits there is a huge economic benefit to the County. She noted there is a local challenge from the State, by a local Virginia grown program, and Board members are encouraged to check that out at Viriniagrown.com.

Mr. Rooker pointed out that the first Regional Transit Authority (RTA) meeting is scheduled next Wednesday for the small group.

A meeting was held last night on the South Fork Rivanna Reservoir Maintenance Committee. He noted that Ms. Thomas did a great job of chairing the committee meeting. He thinks it is going to be a committee that works well together.

Ms. Thomas said she is the Board's liaison with the Historic Preservation Committee. The Historic Preservation community is having a preservation week in April 2009 and they are inviting all organizations in the region that have historic preservation activities to propose a piece of a program to take place that week. The Historic Preservation Committee is going to have a Lost Albemarle Program. This Board has been invited to put on a program, if, so inclined. She will let the Committee know that the Board is happy to let them do the program. More information will be forthcoming. She noted that the Committee is working on compiling all the known historic buildings and sites that have been lost.

Mr. Slutzky pointed out that the Board is interested in seeing the Committee take the lead is out of deference to their expertise and knowledge, not because the Board is unenthusiastic about the purpose.

Ms. Thomas said the Rivanna Solid Waste Authority has been working a long time to get the Ivy Landfill environmentally neutral, and they are going to start horizontal drilling to drain two of the cells that were getting overfilled with fluid. The RSWA will be holding a meeting Monday, August 18th, at the Episcopal Church Parish Hall that is adjacent the landfill.

Mr. Boyd noted that several months ago the staff did a report on transfer of development rights (TDRs). Since he has never seen it, he asked Mark Graham for a copy of the report. Mr. Graham has indicated that the report is about 99 percent finished.

Mr. Slutzky said if Mr. Boyd is referring to the material that was going to be provided to the Board members when they were going to discuss the issue of TDRs, it was not a document that specifically describes TDRs. It tried to respond to the questions: How much staff time would be required for Albemarle County to pursue the TDR proposal he had brought forward and it volunteered a number of issues of concern to staff members. He is curious as to the value of that specific document coming to the Board since it is not considering TDRs.

Mr. Boyd said the Board asked for that report but never got a chance to see it. Mr. Rooker said he thinks Mr. Slutzky is the only Board member who has seen the report. Mr. Boyd asked that after the report is finished it be sent to all Board Members.

Mr. Rooker asked when the Board could expect to see information on the financial situation based upon the anticipated appraisals. Mr. Tucker responded at a work session on September 10th. He noted that the Clerk is in the process of scheduling several work sessions including a joint meeting with the Albemarle County Service Authority, and a quarterly meeting with the Architectural Review Board and the Planning Commission.

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

Ms. Heidi Sonen, a resident of Western Albemarle County and Board member of the Claudius Crozet Park, addressed the Board. She stated that Claudius Crozet Park will be coming back to the Board in September with a formalized proposal for a partnership with the County. Claudius Crozet Park is

not a County park; it is actually a private park set aside for the citizens of Crozet and Western Albemarle and anybody in Albemarle County. Claudius Crozet Park is managed by a board consisting of community members representing organizations throughout Western Albemarle. The Park is funded through the Semi-Annual Crozet Arts and Crafts Festival and Show. Claudius Crozet Park is a 22-acre park in the heart of the Crozet growth area featuring Albemarle County's only public pool, home of the Crozet Gators. The soccer field is regularly used by SOCA. There are baseball and tee-ball fields, two playground areas and basketball courts.

Ms. Sonen noted that the Park has worked with partners in the past to improve infrastructure. One of their biggest partnerships is with the County. They have worked with County Parks and Recreation and various civic groups. In 1997, the Park built a pool with the County's help. The pool has become very popular and is consistently filled to capacity. A Long-Range Planning Committee was formed to look ahead and at future needs. They looked at two County studies commissioned by the Board and they looked at the recommendations from those studies; the 2003 County Recreation Needs Assessment Study and the 2004 Children and Families Study which clearly identified the need for indoor recreation. Claudius Crozet Park was shown as where it was thought the site for indoor recreation should be, with pools and trails were actually shown. The Committee is hoping to place a bubble over Crozet pool and solve some of the area problems by providing year-round recreation as well as a venue for area schools. The Pool currently employs 40 part-time folks, 85 percent are high school students who only work from Memorial Day through Labor Day. It would be a huge asset to the community to add more. The adult lap swimming program has increased three-fold this year. Water aerobics classes are available. There has been a 10 percent increase in family memberships, as well as 178 kids participating in the Learn-to-Swim Program. The Claudius Crozet Park Board looks forward to returning to the Board in September with a formalized proposal to form a partnership between the County and the Crozet Park.

Ms. Cynthia Simpson, a resident of Crozet, Chair of the Crozet Swim Team and member of the Claudius Crozet Park Long-Range Planning Committee addressed the Board. Ms. Simpson said also has two children who will be attending Western Albemarle High School this year and one in elementary school. She said the swim team grows every year, and more families are seeking winter swim options. This past summer there were 222 registered swimmers on the team and about 55 of those swimmers are presently traveling to either Charlottesville YMCA or Waynesboro YMCA to take advantage of winter swim programs. There is an enormous interest among swimmers to have something available year round in the community. The swim team does not turn away any swimmer based on income, and scholarship rates are offered to any child who is eligible for the reduced lunch programs in the School system. In regards to high school swimming, there are a lot of carpools that run in and out of Crozet. There have been a number of times when high school students have piled their cars beyond capacity to get swimmers home at night and they are going through dangerous intersections to get to and from Crozet. There is a big safety concern in having students traveling far to practice swimming. There also are a lot of students now who do not swim for the high school, who would love to because they live in the outskirts of Western Albemarle High School and they just cannot take advantage of the carpool opportunities. If Crozet pool can have a bubble, there will be a practice venue less than five miles away from the Western Albemarle School system and the students can practice at four o'clock like everybody else does. Also elementary school students will be able to use the pool because there are two elementary schools within five miles of the pool. Ms. Simpson announced that the vision is to make Crozet Park Pool a year-round facility.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Ms. Mallek, to approve the consent agenda. Roll was called and the motion carried by the following recorded vote:

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

Item No. 7.1. Approval of Minutes: January 23, 2008.

Mr. Boyd had read his minutes of January 23, 2008 and found them to be in order.

By the above recorded vote, the minutes were approved as read.

Item No. 7.2. Authorize County Executive to execute an amendment to the 2007 Stony Point Volunteer Fire Department Service Agreement for building improvements.

The Executive Summary states that on April 5, 2006, the Board approved a plan to appropriate funding from the FY06/07 CIP fund balance for a \$215,750 no-interest loan to the Stony Point VFD for various building renovation projects needed to maintain or ensure services. The loan was in addition to a County grant to Stony Point VFD for \$239,736 to repair/replace the fire department's roof, parking lot, and HVAC system. Staff recommended that the loan be paid back over 12 years through an annual payment of \$17,980 per year. On June 7, 2006, the Board adopted a resolution appropriating the funds and on May 2, 2007 authorized the County Executive to enter into a Service Agreement with Stony Point VFD which defined the terms and conditions of the loan.

The Office of Facilities Development has coordinated the preparation of plans and specifications as well as bidding phase services for this work. Based upon the bids received and Stony Point's desire to

eliminate the storage building from the scope of the project, the actual loan amount can be reduced from \$215,750 to \$152,000. Stony Point VFD has also requested that the County modify its invoicing practice for loan repayment. Under the mutually agreed upon terms of the 2007 Agreement, the County withholds \$17,980 from its annual appropriation to Stony Point's operating budget through July 2018. In July 2007, this amount was withheld pursuant to the terms of this Agreement. Stony Point has requested that the County submit an invoice for its annual loan repayment amount; revised now to be \$12,184 per year in lieu of deducting the annual loan repayment amount from its operating funds.

Staff prepared the attached amendment to the 2007 Service Agreement modifying the outstanding loan amount and repayment methodology and has shared this with Stony Point VFD's Chief and administration staff. The amendment redefines the basic terms of the loan: \$152,000 no-interest loan, paid back by November 2018 through an annual invoiced amount of \$12,184 per year. This Amendment was reviewed and signed by Stony Point VFD's chief.

The reduction of this project will result in \$63,750 in funding for other capital projects and/or to increase the capital reserve. Future anticipated revenue to the Capital Improvement Fund from the loan repayment will be reduced \$5,796 per year through FY 2019.

Staff recommends that the Board authorize the County Executive to sign this amendment on behalf of the County.

By the above recorded vote, the Board authorized the County Executive to sign the amendment on behalf of the County:

AMENDED SERVICE AGREEMENT

THIS AGREEMENT, made this 15th day of August, 2008, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision, (the "County"), and the **STONY POINT VOLUNTEER FIRE COMPANY, INC.**, a Virginia Corporation, (the "Fire Company").

WHEREAS, the Fire Company agrees to continue to provide valuable fire suppression services in Albemarle County in its delineated service area as set forth on the Response Area Maps located at the Emergency Communications Center ("Service Area"); and

WHEREAS, the Fire Company and the County entered into an Agreement dated May 7, 2007, whereby the County agreed to contribute Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to provide for renovations and improvements to the building and property located at 3827 Stony Point Road, Charlottesville, Virginia (County Tax Map 48 Parcel 18D) that are necessary to provide fire suppression services; and

WHEREAS, after the receipt of the bids for this project, the cost of the renovations and improvements, inclusive of A&E fees for construction phase services, has been adjusted to One Hundred Fifty Two Thousand Dollars (\$152,000.00); and

WHEREAS, pursuant to the agreed repayment terms the Fire Company repaid Seventeen Thousand Nine Hundred Eighty Dollars (\$17,980.00) in July 2007 but desires to amend the repayment terms to address the reduced loan amount and cash flow issues of the Fire Company in subsequent years.

NOW, THEREFORE, for and in consideration of the above stated premises, the County and Fire Company agree, as follows:

1. The Fire Company agrees that it will pay to the County Twelve Thousand One Hundred Eighty Four Dollars (\$12,184.00) on or before November 15th each November of 2008 through 2017 and Twelve Thousand One Hundred Eighty Dollars (\$12,180.00) on or before November 15, 2018. Thus at the end of twelve (12) years, including the 2007 repayment already received, a total of \$152,000.00 shall be repaid.
2. This Amended Service Agreement amends only Paragraph 2 of the Service Agreement dated May 7, 2007, attached hereto as Attachment 1 and incorporated by reference. All other terms and conditions of the Service Agreement remain in full force and effect and are reincorporated herein by reference.

Witness the following signatures and seals:

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Robert W. Tucker, Jr., County Executive

Date

STONY POINT VOLUNTEER FIRE COMPANY, INC.

By: _____
John C. Vermillion, Jr., President, SPVFC

Date

~~Foundation.~~ **(Removed from agenda)**

(Discussion: Mr. Rooker asked why this item was removed from the agenda. Mr. Davis stated that the EDA was unable to get a quorum. The EDA has another meeting scheduled for September 2nd and they hope to have this back before the Board on September 3rd.)

Item No. 7.4. Resolution of Support for Airport Extension Project.

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

**Resolution In Support of the 800' Extension of Runway 21
At the Charlottesville-Albemarle Airport**

WHEREAS, the Charlottesville-Albemarle Airport commenced commercial air service in August 1955 to serve the County of Albemarle and City of Charlottesville; and

WHEREAS, the Charlottesville-Albemarle Airport contributes over \$170 million of direct economic impact to the Albemarle-Charlottesville region; and

WHEREAS, the only runway serving the Charlottesville-Albemarle Airport was last extended in 1966 to the current size of 6,001' x 150', and Charlottesville-Albemarle Airport has identified the extension of Runway 21 as critical to the continuing success of air service at the Airport; and

WHEREAS, this extension will occur on Airport property and will be funded by the Federal Aviation Administration, Virginia Department of Aviation, and Charlottesville-Albemarle Airport funds; and

WHEREAS, it is expected and required that the construction of this extension will occur in a manner that provides the highest level of environmental protection reasonable for this type of construction activity;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby support the extension of Runway 21 by 800' in order to support the economic benefits provided by Airport operations; and

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors extends its appreciation to the Federal Aviation Administration and Virginia Department of Aviation for the funds that will be provided to the Runway Extension Project at Charlottesville-Albemarle Airport.

Agenda Item No. 8. To receive public comments on a proposal recommended by the Albemarle County and City of Charlottesville Parks and Recreation staffs to plan for the installation of lighting at the Darden Towe Park tennis courts. Darden Towe Park is located off Route 20 North (Stony Point Road) at Elk Drive. (Advertised in the Daily Progress on July 28 and August 4, 2008.)

The following Executive Summary was forwarded to Board members:

At its April 2, 2008 meeting, the Board was advised of a citizen request to allow the tennis courts at Darden Towe Park to be lighted. The Darden Towe Park Agreement between the City and the County (Attachment A-copy on file in Clerk's office) requires the mutual agreement of both jurisdictions to light any competitive sport or other recreation facility at this park. This matter was referred to the Darden Towe Park Committee ("Committee") for a recommendation and a Committee meeting was held on May 29, 2008. The Committee recommended that the Board and Council each set this item for public hearing in order to receive input from the public prior to taking action. At its July 2, 2008 meeting, the Board set its public hearing for August 13, 2008.

There are four tennis courts at Darden Towe Park which are presently not lighted. Staff recommends that the County Board of Supervisors agree to allow these courts to be lighted for the following reasons:

- Darden Towe Park is a regional park with a very large service radius.
- Lighted facilities are typically the norm for regional parks.
- Darden Towe Park is in the Pantops Development Area.
- Providing lighting for the courts will extend their use throughout the year.
- The Charlottesville Tennis Patrons Association has offered to lead a fund raising effort to install lighting for the courts.
- No negative impact to park neighbors is anticipated.

Staff's opinion that the tennis court lighting will have no negative impact on park neighbors is based on the following:

- It is possible to light these courts in accordance with the County's lighting ordinance.
- Maximum peak usage of 16 persons at non-peak traffic times will not create a vehicular traffic issue for the park.
- Tennis is an inherently quiet sport and will not create a noise issue.
- Park closure time is recommended to be 10:00pm.

Staff recognizes that lighting of the facilities at Darden Towe Park has been a concern of park

neighbors since the City and County entered in an agreement to establish the park in 1986. (Attachment B-copy on file in Clerk's office) When the park was being planned in the mid 1980's, it represented the first park of its kind in Albemarle County with multiple facilities for field sports such as soccer, lacrosse, and softball. Nearby residents were very concerned about the potential negative impacts of this new park and in response to these concerns the Albemarle County Board of Supervisors strongly opposed lighting of the athletic facilities. As requested by the Board, the minutes of the February 5, 1986 Board of Supervisors meeting (Attachment C-copy on file in Clerk's office), which included a public hearing on the Comprehensive Plan amendment for what is now Darden Towe Park, are attached.

If after the public hearing the Board agrees to allow the tennis courts to be lighted, staff has prepared a resolution for the Board's consideration to allow the lighting (Attachment D) contingent on similar agreement by the City and the approval of an acceptable funding and lighting plan.

The total cost estimate for lighting the tennis courts is approximately \$125,000 while the annual operating cost is estimated to be \$900. Capital and operating costs are divided between the City and County based on the relative population of the two localities. There is no budget impact at this time. Future project implementation will depend on the development of an acceptable funding and lighting plan.

After the public hearing, staff recommends that the Board adopt the attached resolution expressing its intent to allow the tennis courts at Darden Towe Park to be lighted.

Prior to opening this item up for discussion, Mr. Boyd noted that the discussion on lighting the softball fields will be coming to the Board in September; that is not a part of tonight's public hearing.

Mr. Pat Mullaney, Director of Parks and Recreation, said that at the Board's April 2nd meeting, the Board was advised of a citizen request to allow the tennis courts at Darden Towe Park to be lighted. The Darden Towe Park Agreement with the City requires the mutual agreement of the City and the County to light any competitive or athletic or recreation facility at the Park. This matter was referred to the Darden Towe Park Committee for recommendation. The Committee recommended that the Board and City Council each set a public hearing. At its July 2nd meeting the Board agreed with that recommendation and set this hearing for tonight. Currently, there are 36 courts in the County available to the public, of which 28 are on school grounds, 22 two are lighted at the high schools, and 8 are at park facilities including the 4 unlighted courts at Darden Towe Park. In addition, the City has 19 additional courts, of which 8 courts are lighted. A random citizen's survey was conducted and of those responding, 26 percent of households have a need for tennis courts. In response to the question, "How well does existing facilities meet those needs?", 34 percent said that the current facilities completely meet the needs, 39 percent said they partially meet the needs, and 27 percent stated the current facilities do not meet the needs.

Mr. Mullaney said staff is recommending the courts be allowed to lighted at Darden Towe Park for the reasons: 1) Darden Towe Park is a regional park and has a very large service radius; 2) lighted facilities are typically the norm in a regional park as opposed to the exception; 3) Darden Towe Park is in the Penthouse development area; 4) lighting will extend the use throughout year; 5) The Charlottesville Tennis Patrons Association has offered to lead a fund-raising effort; 6) no negative impact to neighbors is anticipated.

Mr. Mullaney said the tennis courts can be lighted at Darden Towe in compliance with the County's lighting ordinance, using 20 to 25-foot poles, with full cut-off fixtures. The maximum pole height in that zone is actually 35 feet, and the proposed poles are actually well under that. Lighting under the County's Lighting Ordinance will reduce glare and light spillage and eliminate sky glow. He then provided some sample pictures of the type of lighting recommended for Darden Towe, including a picture from UVA showing that the lighting poles are not much higher than lights along the sidewalk. Another picture depicted a close-up of a full cut-off fixture.

Mr. Mullaney noted that another potential impact is traffic. He stated the maximum peak use of the courts would be 16 persons, at non-peak traffic times in the evening when the rest of the Park is not being used. Another potential impact is noise. He commented that tennis is an inherently quiet sport and most players are well-behaved. He recommended that, if lighted, the Park be closed at 10 o'clock.

Mr. Mullaney referred to another picture, noting an overhead view of Darden Towe Park, showing the tennis courts. He indicated this as an early picture, and pointed out some trees that are actually higher than the poles that are anticipated to be used for the lights. He pointed out there are two residences nearby, and vegetation could be placed in front of the houses to block the lights. He also pointed out the Elk's Club parking lot which is lighted and did not think that the tennis courts will bother them.

Mr. Mullaney said staff recognizes that lighting the facilities at Towe Park has been a contentious issue between the City and the County and the neighbors since the original agreement to establish the Park in 1986. Originally known as Rivanna Park, it represented the first park of its kind in Albemarle County with multiple facilities for field sports. Nearby residences were concerned about potential negative impacts and, in response to those concerns, the Board, at the time, strongly opposed lighting the athletic facilities in the Park.

Staff recognizes that a park like Towe does have a major impact on its surroundings. The current usage patterns indicated that Saturday mornings are when heaviest use occurs, from March through November, with softball and soccer as being the main activities. From 9:00 a.m. to noon there are normally 502 cars in the parking lot, and that is turning over every hour. From noon to 3:00 p.m. it drops

off to about 250 cars, and from 3:00 p.m. to dark it drops off to about 100 cars again and that is with on hourly turnover. On Sunday it drops a little bit, averaging approximately 250 cars until 4:00 p.m., and then 75 to 100 until dark, again with an hourly turn over. On weekdays there are an average of approximately 100 to 125 cars, and at rush hour, 5:00 p.m. to 6:00 p.m., it starts to drop off from 75 to 80 cars.

Mr. Mullaney said, lastly, he wanted to address the notion that the Board of Supervisors vowed never to light Towe Park. Mr. Mullaney stated that he was in every negotiating session and meeting that was held about Towe Park at the time and he did not recall the Board ever making such a public vow. As evidence of this, he has enclosed, at the Board's request, minutes of the public hearing for the Comp Plan Amendment for Darden Towe Park. He then drew attention to former Board member, Tim Lindstrom's remarks 22 years ago, when he said he does not think anyone can guarantee citizens that there will never be lights at the Park. Mr. Lindstrom expressed strong opposition to lights at the Park and if he could have made that guarantee, he would have done so. Mr. Lindstrom made the statement that if the County ever wanted to light Towe Park then there should be a public hearing. Mr. Mullaney noted that in conclusion, he would be happy to answer any questions, and if after the hearing the Board agrees with the recommendation to light the courts, a resolution has been provided for adoption.

Ms. Thomas asked how the lights would cut off at 10 o'clock. Mr. Mullaney indicated that a timer could be placed on the lights so they shut off at 10 o'clock.

Ms. Thomas asked if the lights would come on only when someone turns them on. Mr. Mullaney indicated that someone would need to turn on the lights.

Mr. Boyd said he had a constituent who plays tennis on the courts and said that if the County plans to spend money on them, something should be done to the playing surfaces because they are in bad shape. Mr. Mullaney noted that there was some cracking recently on the courts but that was taken care of through the resurfacing warranty. He noted that the University of Virginia and all County high schools have lights, and he does not know if any of them have automatic shut-off. People are free to turn them on and off.

Mr. Dorrier asked if there have been any complaints about how the tennis courts are run. Mr. Mullaney replied there were no complaints.

Mr. Boyd then opened the public hearing.

Ms. Christine Shaw said she is a resident of Forest Lakes Subdivision. In addition to being a tennis enthusiast she is also a board member of the Charlottesville Tennis Patrons Association, a local nonprofit organization that is committed to providing tennis programs in the County for youth and adults in the community. She noted that tennis is a sport that allows anyone, both young and old and everyone in between, to enjoy a great, aerobic workout while also forging opportunities for lasting friendships. As society grapples with problems in obesity rates in children and adults, she strongly recommends that local government consider creating an environment that fosters active lifestyles for County residents. One way of doing this is by providing lights on tennis courts to enable and to encourage people to play tennis after work in the coolness of the evening. A huge proportion of County residences do not belong to private tennis clubs but have a strong desire to play tennis. She believes that County tennis courts should be available to the residents even in the evening hours. Also, many County residents work long hours or even nontraditional work shifts. For those reasons she asks that the Board approve installing lights at Darden Towe tennis courts. She noted that new technological advances in lighting make lighted tennis courts more neighborhood friendly while at the same time meeting standards set by the United States Tennis Association. Lighting systems can be centrally controlled which allow cost effective lights to be turned off and on in the evening. These lighting systems make sure there is maximum playing time while also ensuring that the surrounding neighborhood is not adversely affected. She noted that Forest Lakes has ten lighted courts which are surrounded by single family homes in the neighborhood, and there have never been any problems with complaints from nearby residents. She also noted that, the Association is often complimented for providing an environment that is conducive to an active lifestyle. She again asked the Board to consider installing lights at the Darden Towe tennis courts, to provide a means for the residents to lead an active lifestyle with no negative impact to the neighborhood, and to enable the County to fully utilize its existing assets at the Park.

Ms. Lynda Harrill said she is a die-heart tennis fan and a tennis volunteer in the community. She is present to support lighting Darden Towe. Since March she has been busy introducing the community to Quick Start Tennis, a new tennis format for kids ten and under, to get young kids interested in tennis but also a great way to get kids and parents together on the courts. Since many parents in the community work during the day, extending the playable hours of the existing tennis courts seems like a good idea. Lighting Darden Towe is a tremendous opportunity to expand grass roots playing opportunities in our public tennis courts for tennis players of all ages and abilities. She asked the Board to look on the request favorably. She added that The Charlottesville Tennis Patrons Association would be very happy to lead the fundraising efforts and work with the United States Tennis Association in their Tennis and Public Parks Program to get grant money for this endeavor.

Ms. Lois Sandy said she has lived in either Albemarle or Charlottesville for the last 40 years, 37 years in the County. She is present representing the Franklin Drive Neighborhood Association, located just to the north, and directly affected by all the development. She stated that any type of lighting would impact their neighborhood. More importantly, putting lights on the tennis courts sets a precedent for lights everywhere at Darden Towe. Darden Towe is one of the only partially dark places on the City/County border. This area has been labeled a high density area, and will be the highest of high density rings around Charlottesville in the near distant future. Darden Towe has been a natural park providing the

serenity in the community's own backyard. She is also a tennis enthusiast and she plays at Darden Towe. At Darden Towe there are few times when all four courts are being used and the facility still has much time to reach its potential that would cause a need for more lights. Ms. Sandy stated that her neighborhood strongly opposes putting lights on the tennis courts.

Ms. Clarabelle Wheeler said she has lived on property within 200 feet of the Park, since before it became a park. She emphasized that it is a lovely park. She recounted how she felt when lights were installed at Penn Park, indicating someone could read a newspaper in her side yard when the lights were cut on. The City paid \$250,000 for lighting at Penn Park, which is an indication of the money that is about to be spent. The people who live in the County live in the County because they like the difference between day and night, and like night skies. It is important not to disrupt any more of the County than has been disrupted as there are plenty of places to play tennis and plenty of lighted parks. The people who live with Darden Towe in the viewshed do not want lights. Once the lights are there, it will only get bigger. There will be more traffic on Route 20 and people are going to start using the little road that goes down by the River, which is going to impact the Rivanna River because there will be more traffic down there. Ms. Wheeler reiterated her opposition to lighting Darden Towe. The Board and City Council did give an assurance that there would never be lights on Darden Towe Park. This is a wonderful place to be in the daylight.

Mr. Dave Emmitt, a County resident in Franklin Subdivision, said he was present in 1986 when Mr. Lindstrom made the comment about no guarantees. He believes the community put their trust in the Board of Supervisors that there would be every effort made not to start lighting Darden Towe. He is also a tennis player and lighting the park is technically acceptable, but not what comes next. It was a matter of trust then, and it is a matter of trust now, in expecting that statement to be honored by a different Board of Supervisors.

Since no one else came forward to speak, Mr. Boyd closed the public hearing.

Mr. Boyd stated that he goes by the Park a lot and would agree that there are not a lot of people at the four courts there. He asked how much use the courts are getting because they are empty a lot during the day. Mr. Mullaney said staff does not keep statistics, although private schools have asked to use the courts for practice, and at those times two courts are open for the public at all times. He added that if two, three or four people want to play at night, it creates a need for lighting.

Mr. Boyd asked how many hours of play would be added, given daylight savings time, and the weather in December. Mr. Mullaney replied that the colder weather months, when it is dark, right after work is the prime time for lights. He knows a gentleman who is 70 years old who plays in 20 degree weather first thing in the morning at Western Albemarle High School. He added that there are many times during those long winter months when someone just cannot play without lights.

Ms. Mallek commented that it could be five hours a day from the middle of November until the middle of April that would add extra playing time.

Mr. Rooker asked if the courts at Boars Head are lighted. Mr. Mullaney responded that he did not know.

Mr. Slutzky asked if the Penn Park lights are full cut-off lights. Mr. Mullaney replied that the original lights were undesirable and were changed to a Musco product; Musco does not make a full cut-off fixture, but they are a vast improvement.

Mr. Slutzky recalled that he had to wait to take a court at Darden Towe, although it was on a weekend. He suggested that signage be installed with instructions on how to turn the lights on, and stating that the lights automatically shut off at 10:00 p.m. Mr. Mullaney pointed out that the lights would not be on unless someone turned them on.

Ms. Thomas insisted that the tennis courts be lit with absolute full cut-off sports lighting. Mr. Mullaney affirmed that the Committee would not recommend anything that does not have full cut-off and will recommend something that meets the County's Lighting Ordinance.

Mr. Rooker noted that if a resolution were to be adopted tonight it ought to be conditioned upon full cut-off lighting.

Mr. Boyd asked Board members if they thought approval of this request would set a precedent for the next step of which he is adamantly opposed. Board members responded, "no".

Mr. Rooker said each issue has to be considered on its own merits. Traffic is a consideration, the type and height of lighting, etc., have to be considered. Mr. Rooker said he lives across the field from Albemarle High School and there is some lighted activity going on all the time in the evenings. The lighting has never bothered him. He can hear the band practicing, etc. Different people view things differently, but while some have complained about the Penn Park lights tonight, the area is considered a very desirable area to live because it is beside a park. He knows of a number of people who moved to the area so they could live by that park. He does not think that people living near a park consider it a negative and he does not think having full cut-off lights so that tennis could be played a few hours in the evening is a significant negative for the people who live nearby. He thinks that those living nearby would probably be most likely to take advantage of the courts.

Mr. Dorrier pointed out that Darden Towe Park is a fairly compact park and it is located away from the residential areas, tennis is not a loud sport, and he does not think there would be any real conflict between the tennis courts and the surrounding areas. He thinks this is a good location for lighting courts. This is not a large recreational area; there are only four courts. He thinks the Board should support lighting of the courts.

Mr. Rooker asked if someone has to turn the lights off for them to cut off. Mr. Mullaney noted that there are a lot of different mechanisms for lights. The ones he is familiar with involve someone turning it on and then turning it off when leaving, with an override that shuts the whole thing off at 10 o'clock. Some may be a timer that gives an hour of lighting and then shuts off after that hour. Mr. Rooker pointed out that it is important to have features that do not waste energy. He supports the timer.

Ms. Thomas noted that lighting that has something like sodium lithium, with a yellowish tint to the light, consumes a great deal less energy and it creates as much visual acuity as white lights. Ms. Thomas pointed out that as a community, talking about energy saving, a decision to put in additional lights also needs to consider energy consumption. Mr. Mullaney noted that when the Committee develops the lighting plan it will be looking at all of those different things and recommending the best system.

Mr. Boyd stated that there are a couple of things that he would like to see in the proposed resolution. The first is clarification for full cut-off lights, and then the timing so that they do shut off and they do not just stay on for a long period of time. He also would like to see that this not be funded with County funds. The Tennis Association has said they will raise the money and they can get grants and things like that. In these budget times, the County should not be placing money in something where an offer has been made by the community to raise funds.

Mr. Slutzky pointed out that if the community fundraising came up short by a little bit, he would like the opportunity to have the County invest in a recreational facility. He would prefer to see that the obligation of the County to not pay anything for this left off of the resolution, although he thinks that the spirit of this is that the County would not have to pay a penny on it. He suggested adding a "whereas" that it is contemplated that private funds will be secured to fund the lighting.

Mr. Rooker suggested amending the last "whereas" to state that "whereas the Albemarle County Board of Supervisors finds that lighting of the tennis courts with full cut-off lighting in strict accordance with the County's Lighting Ordinance at Darden Towe Park will benefit the community." In addition, add "with a lighting plan that will cause the lights to cut off no later than 10:00 p.m., with a system that will be based upon a timer that will cut the lights off automatically when not in use".

Mr. Slutzky asked if it was possible to light this park in a manner that is consistent with the County's Lighting Ordinance, but technically not using full cut-off lighting. Mr. Mullaney said "yes" for the tennis courts.

Ms. Thomas said she likes the approach mentioned by Mr. Rooker but reiterated that the Board expects a lighting plan that has full cut-off fixtures in accordance with the County's Ordinance, as energy efficient as possible, and "off" be the default position. She wants the City to know that it is not lit unless somebody is actively playing on the field and that all the lights be cut off at 10 o'clock.

Ms. Mallek asked if tournaments might occur at this location. Mr. Mullaney said that would be for softball lighting. Mr. Rooker pointed out there are only four courts and a small bench, and the location is not well suited for tournaments. Mr. Mullaney pointed out that is something that the Darden Towe Park Committee could control.

Mr. Tucker suggested staff prepare a final resolution to come back to the Board for adoption at its September 3, 2008 meeting. Board members concurred.

Ms. Thomas pointed out that the City needs to be notified of the Board's action. Mr. Mullaney stated that the City is planning to wait and proceed with public hearings on both requests in October; they are waiting until after the Board takes action.

Mr. Rooker summarized that the idea is to incorporate the full cut-off, the energy efficiency, and the 10:00 p.m. cut off and system of default timing system. Mr. Boyd added that the implication is that this will be primarily funded through private sources.

Agenda Item No. 9. **PUBLIC HEARING: PROJECT: SP-2007-053. St. Anne's-Belfield New Academic Building Project.** **PROPOSED:** to increase the number of students from 300 to 550 by adding new buildings and demolishing some existing buildings. No residential units are proposed. ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre). SECTION: 13.2.2.5, which allows private schools by Special Use Permit. COMPREHENSIVE PLAN LAND USE/DENSITY: Institutional - schools, universities and colleges and ancillary facilities and public facilities and utilities in Neighborhood 7. ENTRANCE CORRIDOR: Yes X. LOCATION: 720 Faulconer Drive (Rt.855), Charlottesville, VA 22903, approximately 1620 feet from the intersection of Faulconer Drive and the Ivy Road/Rt 250 offramp from the 250 Bypass. TAX MAP/PARCEL: TM 60, Parcels 57, 57A, 57B, 57C. MAGISTERIAL DISTRICT: Jack Jouett. (Advertised in the Daily Progress on July 28 and August 4, 2008.)

Mr. Cilimberg mentioned a memorandum, with attachments, provided to Board members tonight that outlines a couple of items that were brought to staff's attention since the Board received the staff report last week. The memo includes traffic impact analysis material, and a letter from Preservation

Piedmont regarding the headmaster's house and an e-mail message from the Department of Historic Resources regarding the house which was a subject of consideration in the Planning Commissions deliberations on the special use permit.

Mr. Cilimberg said this request is for an expansion of a total of 550 students, would involve demolition of existing buildings, including the headmaster's house, construction of new buildings and development of additional fields. The property is located off of Faulconer Drive adjacent to the Route 250 by-pass. The specific site plan for the project shows building locations and fuel locations. He noted that in the discussions of the Planning Commission, traffic mitigation and the headmaster's house were the two primary topics that originated from the work session. A study was done of the headmaster's house, and information was provided at the Commission's public hearing on whether the house should be preserved. The County's Historic Preservation staff and the Department of Historic Resources supported the findings of the study that the house could be demolished since it was not eligible property. The house was not deemed as significant in architectural or historical considerations. Preservation Piedmont, in their letter, has asked that the headmaster's house or at least part of it be preserved for its own unique characteristics. However, staff's recommendations would allow for the complete demolition of the headmaster's house.

Regarding the traffic impact, initially, the Commission in their work session, recommended a pro rata share of intersection improvement cost for those intersections being impacted by this project or this expansion of the school. The traffic impact analysis identified five intersections where there were six improvements that were deemed to be warranted based on the school's impact to those intersections. The complete intersection improvements were not considered to be the school's responsibility, but the school's increasing traffic would be contributing to the needs at those five intersections. The applicant proposed a pro rata share for improvements at two of the intersections when this went to the Commission for public hearing. At the time VDoT recommended a pro rata share for improvements at five intersections or the entire cost of construction of improvements triggered by the St. Anne's expansion. That was a little nebulous in how it was termed, but it was in the e-mail Joel DeNunzio had provided. At the time staff recommended construction of improvements of two intersections that were most directly impacted by St. Anne's. In the discussion of that at the public hearing the Commission ultimately recommended the construction of an improvement occur at one of those two intersections that staff had recommended, but not both. There were two Commissioners, however, who did not vote for this special-use permit because they were of the opinion that the pro rata share of the cost of improvements at the five intersections would be the more preferable condition.

Mr. Cilimberg said, most recently this week, staff has learned that the applicant is proposing safety improvements instead of capacity improvements at the one intersection that the Commission had made its' recommendation on. In response to that VDoT has now gone back to one of its' earlier recommendations that a pro rata share of improvements needed at five intersections be provided by the applicant. Also, VDoT is not of the mind to support the safety improvements the applicant proposes, feeling that those are really not things for the applicant to be doing on the road system. The five intersections that were part of the initial studies impacted in some way by the school were: the off-ramp from Route 29 to Faulconer Drive, Faulconer Drive at Old Ivy Road, Old Ivy Road at Old Garth Road, the intersection at the end of the ramp beyond Old Garth Road under the underpass that intersects with Ivy Road, and the intersection of Old Ivy and Ivy Road. The Commission's recommendation focused on this intersection extending a right turn lane of the ramp onto Faulconer Drive. There were turn lane improvements at the other intersections that were also identified as part of the traffic impact study.

Mr. Slutzky asked if the traffic impact analysis took into account the reduced movement of cars from the lower campus to the upper campus. Mr. Cilimberg replied that they were taking into consideration all of the traffic generation and movements that were associated with the new population of students or the new student enrollment. Mr. Slutzky asked if when the traffic analysis looked at adding groups of people to this location, it considered taking away traffic from another location. Mr. Cilimberg noted that would be mostly in the City, but he believes that would be a factor in the improvements necessary in association with the school.

Mr. Cilimberg continued, noting the recommendation from VDoT was that St. Anne's should make a pro rata share and contribution based on the level of impacts at the intersections identified in the traffic impact analysis. They have calculated the pro rata share contribution to be \$49,246 and it should be applied to improvements to the road network in this area.

Mr. Cilimberg staff identified favorable factors to include the expanded private school in this location enabling parents to have a continuing choice of type of education facility for their children, which will mean more siblings will be able to attend the school on the same campus. Because the school is located at the edge of the development areas and surrounded by low density residential areas, vacant property in the rural areas, the potential noise impact from a large number of children on the adjacent properties will be minimal. Staff does note an unfavorable factor being the general condition of congestion in the vicinity of the campus and while a condition of this special use permit will provide funding or improvements that mitigate some of this congestion, other funds will be necessarily to fully address congestion in the area. The recommendation from the Planning Commissions is approvable with conditions. Staff initially recommended conditions that the Commission modified in their recommendation to the Board.

Mr. Cilimberg then presented the following conditions recommended by the Planning Commission:

1. The site shall be developed in substantial accord with the concept plan entitled "St. Anne's-Belfield Proposed Lower/Middle School Preliminary Site Plan," dated June 6, 2008, except that changes may be made provided the Zoning Administrator finds that all other special use conditions are met.
2. The maximum enrollment shall be 550 students.
3. Arrival and dismissal times for Lower and Middle school students shall be staggered at a minimum 20-minute interval so that all students do not arrive at/depart from the campus at the same time.
4. ~~In addition to meeting all requirements of the Architectural Review Board (ARB), all new buildings shall be designed and constructed to meet the minimum standards for a "Silver" rating (37-43 points) under the LEED for Schools Rating System, First Edition, Updated November 2007. Prior to the issuance of a building permit, the Owner shall submit a certification from a LEED certified architect to the Director of Community Development that the plan meets the above referenced LEED standards. Before the Owner requests a certificate of occupancy for any building for which a licensed architect rendered such a certificate, the Owner shall submit to the County's Director of Community Development a written statement from the architect that the building was built to the plans on which the certificate was based. In the event of a conflict between the ARB requirements and the LEED for Schools Guidelines, the ARB requirements shall take precedence. **The Owner shall design and construct all improvements at the Belfield campus to meet the minimum standards for LEED certification under the LEED for Schools Rating System and shall seek to obtain such certification at the minimum level or better within two (2) years from the date of the Certificate of Occupancy.**~~
5. Stormwater management shall be provided in the form of biofilters for any new impervious surfaces. In addition to the requirements of the County's Water Protection Ordinance, the majority of roof runoff shall be captured in a rainwater collection and reuse system.
6. Erosion control shall be provided within the property by the use of sediment trapping measures and diversions. Off-site easements or work, or variations from the standards, shall not be used.
7. In order to address off-site transportation impacts caused by this project, the Owner shall contribute cash in the amount of forty-nine thousand two hundred forty six dollars (\$49,246.00) to the County for the purpose of funding road safety improvements, traffic signalization improvements, or other transportation improvements located within the boundaries of Neighborhoods 6 or 7 as delineated in the County Comprehensive Plan's Land Use Plan adopted June 5, 1996. The cash contribution shall be made prior to issuance by the County of the first building permit for the project.
8. A row of 2 1/2" caliper shade trees spaced 40 feet on center shall be provided along the east side of the relocated portion of SR 855.
9. A minimum of 20-foot deep landscape buffers shall be provided, free of utilities, to screen ~~the proposed playing fields and~~ the parking lot located southeast of the existing football field from the US 29/250 Bypass.
10. Landscaping may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the playing fields and parking on the Entrance Corridor.

With regard to condition #4, Mr. Cilimberg said originally this condition did not require LEED certification, but would require verification that those things necessary to be considered for that a silver rating would be incorporated in the project. In the Commission's deliberations, they felt that the design and construction of the improvements of the Belfield campus simply should meet the minimum standards for LEED certification under the LEED for school's rating system and that should be obtained at the minimum level or better within two years from the date of certificate of occupancy.

Ms. Thomas asked if that is something that is certified or how is it verified. Mr. Cilimberg replied that they would have to receive LEED certification within two years of the date of the certificate of occupancy and would have to produce that for the County. Mr. Rooker pointed out that it would require a professional recognized by LEED examining the facility and issuing the certificate.

Ms. Thomas pointed out that the condition was not worded quite that way though, noting it states that "it shall design ... to meet the minimum standards..." Mr. Rooker suggested stating "it shall obtain the certification" instead of "such". Mr. Cilimberg agreed with the suggested change.

Mr. Cilimberg noted that this also does not give precedence to ARB guidelines and it is understood that LEED design takes precedence. Mr. Boyd asked what the penalty is if two years later they are in the building and they are not LEED certified. Mr. Cilimberg said he pointed out to the Planning Commission that they would be in violation of their special use permit if they were not LEED certified. Mr. Slutzky pointed out that the LEED certification cannot be required as a condition of the occupancy. Mr. Cilimberg indicated the reason the condition recommendation was made was that there was hope that an architect could certify that they were doing all of the things that they needed to get a silver LEED certification. It was not to condition them to get that certification because it is unknown whether they will be able to get it or not. They may do everything that was intended and it may not be certified.

Mr. Slutzky asked if there might be someone in the Community Development Department who might become LEED certified, to make the determinations in the field in response to conditions that might be set forth by the Commission or the Board in the future. The County could become the determining factor for compliance and not put applicants in the position of being beholden to an outside party.

Mr. Rooker said there have been a number of proffers recently that included LEED certification requirements. It does not seem to have been a problem up to this point. If LEED certification is a

standard, he does not know that the County would want to be in the mode of making that determination when LEED has their own standard and they have their own people who perform the certification process.

Mr. Cilimberg said there is a County planner who recently became LEED certified. He does not know if that certification allows the individual to verify that a project would be LEED certified if it were submitted to LEED. That gives the individual the ability to understand what it takes to get certain levels of certification.

Mr. Rooker noted that it is good to have people on staff that can provide feedback about things that may or may not assist them in obtaining the certification.

Mr. Slutzky suggested that the Board could include language referring to meeting the minimum standards for LEED certification applicable at the time of application that would protect an applicant, noting that LEED is an independent body that is potentially going to evolve over time and revise their certification standards. Mr. Slutzky reiterated the responsibility of getting someone on staff qualified in the next couple of years, to make the determination as to whether or not a given project meets the then applicable standards.

Mr. Boyd said that is something the Board can ask the County Executive to look at as part of the educational program for the Planning staff.

Mr. Cilimberg pointed out that at the Commission's meeting it was discussed adding a condition that a LEED certified architect could make that verification rather than someone on staff, but the architect for the project indicated that they were very uncomfortable with that because it is not something they feel they can do in their profession. He noted the recommended language that was struck out from the condition.

Mr. Slutzky stated that he is not concerned about getting a piece of paper from LEED, but rather that a building is built that is consistent with the standards embraced as valuable to the community. He thinks it is appropriate to have staff trained to evaluate the effectiveness of erosion and sediment control plans, and all sorts of technical documents that come in pursuant to a project like this. He is unsure if it is an undue burden on the staff to have that skill set so that they can ministerially make the determination that the project is compliant with the condition or not.

Ms. Thomas said she is concerned that no one will be satisfied with the wording of the condition.

Ms. Mallek said she is concerned that LEED is a moving target and there is no written list of everything you have to have because it keeps changing all the time. She is concerned about the requirement of the certification as opposed to previous projects having designed to the best standard to hopefully achieve a certain level.

Mr. Cilimberg pointed out that the language offered, except for the ARB aspect, was more or less what had been done in proffers, and that is what the architect said was very different for him to believe they could abide by; the certification from the LEED certified architect. Staff understands that requiring the certification may be putting the project in some jeopardy after it has already been occupied and been in operation. On the other hand, through past proffers and through staff offered conditions, they were trying to get some level of assurance that they were doing their best towards getting certified.

Mr. Boyd said he has a little problem with this because the current situation is different than a proffer situation. Proffers are voluntarily proffered by people who brought it forth.

Mr. Rooker said, when he first met with the applicant, he said this would be a LEED certified project.

Mr. Boyd asked when did that shift from them offering to us making LEED certification a requirement of the project. Mr. Rooker said he did not understand that it was a point of contention. Certainly the wording of the condition is something the applicant should be comfortable with, as well as the County, but the conditions are imposed on a special use permit as opposed to the proffer approach.

Mr. Boyd pointed out that this appears to be something that is going to become precedent and a policy, requiring LEED certification on projects in order to get a special use permit. He noted that that is a slippery slope.

Mr. Rooker said the Board has operated under a policy that it will seek to get projects that are environmentally suitable for the community and LEED certification is one way that that's achieved. Belvedere came forward with an Earthcraft standard that they proffered which was one of the features the Board considered was important in approving the re-zoning.

Mr. Boyd said Belvedere was able to make an economic decision.

Mr. Slutzky said the applicants indicated they were going to get LEED certification and the Commission responded by putting it in as a condition.

Mr. Boyd said if LEED certification was being offered, he does not understand by it has to be made a condition.

Ms. Thomas said sometimes it is helpful for the County to be "the heavy". Boards for private schools can change and it is good for the County to say it is part of our special-use permit process.

Mr. Boyd said he thinks it is a discussion the Board needs to have if it is going to say that LEED certification is a requirement for any special-use permit. Mr. Slutzky agreed that the Board should probably have that discussion.

Mr. Cilimberg said staff was responding to something an applicant said he was willing to do. Staff tried to come up with language that would cover that particular commitment considering the difficulty in getting the right condition language.

Mr. Cilimberg pointed out that the recommended condition #7 is an alternative condition reflecting VDoT's current recommendation.

Ms. Thomas referred to Joel DeNunzio's most recent memo, that what is being discussed is capacity rather than safety improvements. She suggested changing the word from "safety" to "capacity", to make it clear that the Board is not talking about changing the size of a stop sign but instead capacity of the road.

Mr. Rooker suggested removing "safety" and just state "road improvements".

Mr. Davis said this language was an attempt to give the Board the broadest possible options to utilize the money, at the Board's direction. This would be money that would come to the County that the Board would appropriate.

Mr. Slutzky asked if this was a new special-use permit, or the modification of an existing one. Mr. Rooker responded that it is a new permit request.

Ms. Thomas referred to the proposed condition #5. She said that rain harvesting has just been getting a great deal more attention from people who are in the stormwater field as being the very best way to have buildings with an impervious surface duplicate the effects before there are buildings. She asked if these terms that the Board is suggesting are as strong as they can be in those terms, or these plus LEED. She is unaware of what LEED says about stormwater. Mr. Cilimberg said that actual discussion occurred with the Commission and this condition was an attempt to address that. These are the best wording they could come up with. Mr. Cilimberg noted that there is an element of that in LEED as well. Also, there are a number of qualifying LEED criteria which may not end up including some of that, so staff wanted condition #5 to make sure stormwater was addressed.

In condition #9, Mr. Cilimberg said the Commission did not feel it was necessary to buffer the proposed playing fields and only required it for the parking lot located next to the by-pass.

Mr. Rooker referred to condition #10, and asked who would make the determination "Landscaping may be required to be in excess of the minimum requirements..." Mr. Cilimberg said the ARB will be judging the relationship to the entrance corridors and would determine excess of the normal requirement for landscaping.

Mr. Boyd then opened the public hearing and asked the applicant to come forward and speak.

Mr. David Laurie, Head of St. Anne's Belfield School, thanked the Board for their time and consideration this evening. He noted that St. Anne's-Belfield is excited about this project and what it is going to mean to their students and the community. This is a big step in the school history and he noted that it will coincide with the school's 100th birthday coming up in 2010. This is what they hope will be the culmination of fulfilling their 2003 strategic plan, adopted by the school, calling for the new lower school building, now a new facility for pre-school through 8th grade. Their studies have shown this is the best way to educate their students. The school is very excited about the possibilities and hence the increase and the special use permit are for moving the middle schoolers over to the Belfield campus. The permit is not to increase the overall enrollment of the school. They still want to maintain the closeness and the smallness of their overall community.

Mr. Laurie said a result of the project is the demolition of the head of school's house. There is limited acreage on the Belfield campus and this is a big project, and there is a need for that land. Part of the new building will be located on an athletic field. They need to maintain their number of athletic fields, not just for them but also for the greater community. They have teams from Charlottesville and Albemarle on their fields all weekend from morning until night, so there is a need to maintain the number of athletic field. The study that was commissioned looked at the house and found no historical value. The one commitment that has been made is to demolish the house with sensitivity to sustainability and to preserve, reuse, recycle, salvage, everything possible in the house. A firm has been hired to do that, and some of the elements in the house will be used in the new building. So, there is a connection with the history in some of the common student spaces. Also, the house in its present form is fully documented so that will also be a part of the history of the school.

Mr. Rooker asked where the headmaster is going. Mr. Laurie replied that the headmaster is now living on Polo Grounds Road. Mr. Laurie then introduced Mr. Richard Carter who would speak to the traffic issue.

Mr. Carter said there were three major concerns at the Planning Commission meeting. One of which was the headmaster's house. Every effort is being made to save and recycle the as many of the

materials as possible. In regards to traffic improvements, there is no dispute that improvements are needed. VDOT has made some suggestions that the applicant does not believe adequately address the safety problem. The applicant made a suggestion that VDOT does not think adequately addresses the capacity problem. Based on VDOT's calculations as to the level of impact on all the intersections, the applicant agrees to contribute \$49,246 to be applied to improvements to the road network in this area. The applicant is in agreement with the condition proposed by Mr. Cilimberg. With regard to LEED certification, Mr. Cal Bowie, their architect, is present. Mr. Bowie is an expert in many things, including LEED certification.

Regarding condition #4, Mr. Carter said the applicant is agreeable and will obtain LEED certification. However, LEED certification is a moving target, and there are two problems. The first is that the architect is hesitant to certify the buildings are built to LEED certification, or even to the plans when the plans would lead to LEED certification today. The second problem is that what is the requisite for LEED certification today may not be the same rules as to LEED certification when the project is completed. Mr. Carter suggested rewording from "shall obtain such," to "shall seek to obtain such." If there are subsequent changes that prevent the school from having certification, they would not have to come back before the Board in two years asking for an amendment to the special use permit.

Mr. Slutzky asked if it would be acceptable if the language were to state that "the school shall fulfill the minimum level applicable at the time the special-use permit was approved subject to the determination by the County". If the Board agrees, the decision could be made as to whether or not the school met the current applicable LEED standards. Mr. Carter introduced Mr. Bowie, architect and LEED certification expert to answer that question.

Mr. Bowie noted that a lot of other jurisdictions are also facing these same questions. In response to the conversation he said that the school came to this project with the intention of creating a project designed on the principles of substantial design. From the beginning the school said it would seek certification, at the highest level that they can reasonably achieve. Over time, these levels, and they are evolving, can add significantly to the cost of projects. As the standards have changed and evolved, the costs of what it takes to achieve certain levels has changed as well, and continues to change. This process is difficult for institutions, like this, to attain higher levels because they may not be able to afford to do them in the end. Mr. Bowie said the U.S. Green Building Counsel is the body that issues LEED certifications. It took a year after occupancy the last time someone in his office went through the process. A lot of the evaluations that occur arise from the commissioning report which is built upon the way the building starts up and is occupied in that first year. Most of the points achieved to gain levels of certification come from the systems, and the systems have to be functioning with the full load of the students and everything else. He adds that the systems are evaluated over a period of time to prove that they are performing at the level that they are seeking to design. That is the issue, their having to certify that the buildings are meeting the standards. He does not feel comfortable that they can certify that because they cannot make that guarantee because they do not know. He does not believe that any professional can assume the liability by saying that it is absolute and it is true. Mr. Bowie said in his experience in other jurisdictions, applicants seek the certification in good faith except for jurisdictions that have legislated it as a requirement for building, like Arlington County. It is definitely an evolving issue.

Mr. Boyd commented that this is a policy for County buildings. Mr. Bowie said this applicant never said they will achieve it, they said "we will seek it," indicating their intention to do it.

Mr. Rooker asked if, the wording, "will seek to obtain such certification" would work. Mr. Bowie said that would be consistent with what he had seen in other places and it would make the applicants comfortable, and they will proceed. He noted that this is important to their donors, and it is important to their school community.

Mr. Boyd asked if it needs to be a condition. Mr. Rooker said they are saying they're going to design and construct the improvements to meet the minimum standards for LEED certification and that is obviously at the time that it's made. Mr. Rooker said the Board relies upon its staff to make some judgment as to whether or not that is being done.

Mr. Bowie continued, noting that the process and commitment is expensive. It commits \$50,000 to \$100,000 to do.

Mr. Rooker asked what the total budget on the project is now. Mr. Bowie replied that it is \$25,000,000. Mr. Rooker said there may be some additional tax revenue to the County from this also. Mr. Bowie affirmed that in terms of the construction and the value of the construction being built within the County, there would be additional tax revenue.

Mr. Carter said that would conclude their presentation. The applicant has other individuals including engineers present if Board members have questions.

Ms. Mallek asked for a description of the rain harvesting.

Mr. Kurt Gloeckner, of Gloeckner Engineering, addressed the Board. Mr. Gloeckner said they are planning a 60,000 gallon cistern placed on the ground that will go to the present pumps that irrigate the present playing fields. This water will continue to be used instead of potable water to keep the fields green. They will be using pervious concrete made with recyclable glass, in fact the aggregate in the concrete will be glass. A biofilter, the best kind of water quality mechanism for treating stormwater, will be underneath one of the practice football fields, to act as a detention structure as well as quality control. All of the impervious surfaces are directed at that practice field, so it is all filtered.

Mr. Boyd asked if the rain harvesting is economically feasible. Mr. Gloeckner replied that in this particular case it will be because there is a large consumption to irrigate the athletic fields. Mr. Boyd said it is good to see that good environmental steps are becoming economically feasible. Mr. Gloeckner commented that the glass makes the pervious concrete practical.

Ms. Mallek noted that this may create a market for recycled glass. Mr. Rooker said that recycled glass market has turned around. He plans to provide Board members with an article pointing out that there is a pretty good market for that right now.

At this time with no one coming forward to speak, the public hearing was closed.

Mr. Rooker said if there is no additional discussion, he is prepared to make a motion. Mr. Rooker then offered **motion** to approve SP-2007-053 subject to the conditions presented tonight, with changes condition #4 regarding the LEED certification, to state "...and shall seek to obtain such certification ...". He is fine with saying "... within a reason period of time following completion of the project".

Mr. Cilimberg said staff needs something that gives a timeline. Mr. Rooker said the language previously stated that the applicant would obtain it within two years. They start seeking to obtain the certification quicker than that.

Mr. Slutzky commented that within two years they would have had to invest some money in obtaining the certification so they might likely then complete the exercise. Mr. Cilimberg said if they do it within two years that should be enough time. Ms. Mallek noted that the documentation begins after 12 months.

Ms. Mallek said condition #6 needs to be edited, dropping the second sentence. She added that condition #7 has drastically changed. Mr. Rooker pointed out that condition #7 was revised for the Board tonight.

Mr. Rooker then restated his **motion** to approve SP-2007-053 with the conditions as presented. The motion was **seconded** by Mr. Slutzky

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

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

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

1. The site shall be developed in substantial accord with the concept plan entitled "St. Anne's-Belfield Proposed Lower/Middle School Preliminary Site Plan," dated June 6, 2008, except that changes may be made provided the Zoning Administrator finds that all other special use conditions are met;
2. The maximum enrollment shall be five hundred fifty (550) students;
3. Arrival and dismissal times for Lower and Middle school students shall be staggered at a minimum twenty (20)-minute interval so that all students do not arrive at/depart from the campus at the same time;
4. The Owner shall design and construct all improvements at the Belfield campus to meet the minimum standards for LEED certification under the LEED for Schools Rating System and shall seek to obtain such certification at the minimum level or better within two (2) years from the date of the Certificate of Occupancy;
5. Stormwater management shall be provided in the form of biofilters for any new impervious surfaces. In addition to the requirements of the County's Water Protection Ordinance, the majority of roof runoff shall be captured in a rainwater collection and reuse system;
6. Erosion control shall be provided within the property by the use of sediment trapping measures and diversions. Off-site easements or work, or variations from the standards, shall not be used;
7. In order to address off-site transportation impacts caused by this project, the Owner shall contribute cash in the amount of forty-nine thousand two hundred forty six dollars (\$49,246.00) to the County for the purpose of funding road safety improvements, traffic signalization improvements, or other transportation improvements located within the boundaries of Neighborhoods 6 or 7 as delineated in the County Comprehensive Plan's Land Use Plan adopted June 5, 1996. The cash contribution shall be made prior to issuance by the County of the first building permit for the project;
8. A row of two and one-half inch (2 1/2") caliper shade trees spaced forty (40) feet on center shall be provided along the east side of the relocated portion of SR 855;
9. A minimum of twenty (20)-foot deep landscape buffers shall be provided, free of utilities, to screen the parking lot located southeast of the existing football field from the US 29/250 Bypass; and
10. Landscaping may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the playing fields and parking on the Entrance Corridor.

Mr. Slutzky suggested staff give some thought to the conversation that took place tonight and come back to the Board with a recommendation as to how best for the Board to proceed to receive applicant's promises to go LEED, or something like it in a manner, that is likely to encourage as many applicants as possible to come forward, knowing that a more stringent approach may have a chilling effect that is not intended.

Mr. Cilimberg said he will check a little more into the certification process and what that enables the Planner, who received it, to do in terms of review of these projects.

Mr. Slutzky said there is the option of contracting the expertise to reach the ministerial determination, when they met the requirement standards that were in place at the time, even though the standard may change subsequently.

Mr. Boyd said he has a problem with requiring LEED certification as part of the approval process.

Mr. Rooker said he does not think that that is the policy. When an applicant comes forward and offers that and is willing to entertain a condition to that effect, it makes the project easier to approve.

Mr. Boyd asked where to draw the line between them thinking that the only way they are going to get their project approved is if they volunteer to do that. Mr. Rooker pointed out that the Board had approved projects without LEED certification in the past. The determination of whether a project is approved or not is discretion and everybody needs to exercise their judgment as to whether or not the project given the conditions is a benefit to the community.

Mr. Boyd said LEED certification, rain harvesting, and good environmental stewardship, is getting to the point where they are economically feasible to do. He supports them as long as they are possible, but he does not want to kill projects because they are not economically feasible.

Ms. Thomas said these are similar arguments that the Board had a few years ago, as to whether sidewalks and street trees could be required. Now there is not a developer who would build a street without sidewalks and street trees. She added that it is an evolving process and she is glad the Board is evolving in the right direction. She is proud that the Board, and the market, and the community are all going in the green direction.

Mr. Slutzky said he is not proposing to require LEED certification, but he is trying to identify a process solution to the challenge that this gave light to. It might be harder for an applicant to come forward with LEED because of the technical challenges of them complying. He would like to solve that so that the County does not have a chilling effect on what it really wants to achieve. As a separate matter, he would not be adverse to the Board exploring the idea of requiring LEED certification. He is not prepared to suggest that given staff resource availability and so forth at this time, but it is a good suggestion.

Ms. Thomas pointed out that although \$49,000 sounds nice, one of the memos that Joel DeNunzio sent early in the process gave a price tag to some of the intersections that have to be improved, range from \$150,000 to \$430,000 per intersection. In an era when the State is simply not giving money for these kind of road improvements, she hopes none of the Board thinks that sufficient money will have been received from the applicant to do the improvements that are needed in that area. Mr. Slutzky said it was clear that the applicant's contribution was their pro rata share. Ms. Thomas said she hopes the Board continues to pressure the State to do what they should be doing, and not put more of a burden on any particular applicant. She does not want anyone in the public to think that somehow with this money some wonderful improvements will be made to the area.

Mr. Rooker said he spent quite a bit of time on the phone with VDoT, and they indicated that they probably will undertake most of the safety improvements on their own. VDoT went through a process and allocated percentages. In this case, the applicant is not even increasing their school enrollment number.

Ms. Mallek commented that the middle school students start out at the other campus and drive across for sports every single day and have been for a long time. The bodies have been there for a long time. She is grateful for the contribution towards improvements. She also was concerned with the discussion about requiring a stacking lane back towards Route 250 when there is no stacking that happens in that direction because nobody is stopping. There is one-half mile of pavement between the corner and the school building to sit if there is ever a traffic jam at dismissal.

Mr. Rooker said the real problem is the railroad underpass where lanes cannot be increased, and that is the constraint. Mr. Rooker said the project is environmentally sensitive and that combined with the other features makes it an attractive addition to the community.

Mr. Cilimberg said everybody agreed as this request went through the Commission that Faulconer Drive, as the access in that location, needs to be relocated. The relocation that would probably serve the best access for the school was across the Real Estate Foundation property and they are not interested in cooperating with that scenario.

Agenda Item No. 10. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek said she will be forwarding to Board members discussion points for the VACo's Agricultural Committee. She asked for Board members to provide her with any feedback they may have to help her prepare for the Committee meeting.

Ms. Mallek noted that at VACo's website there is a study about Counties and Local Food Systems that different counties are doing around the country.

Ms. Mallek provided Board members with General's coins from Colonel Hail from the NGIC groundbreaking ceremony.

Ms. Thomas said the Board received a response from the Army to the statement of NGIC's no environmental impact. She noted that Tamara Ambler put the response in a form that can be understood. It seems to her that for the most part they changed a few words. She did not see any indication that they were stepping up to the bat in terms of meeting any of the impacts except in they decided that they would go to the highest standards for having full cut-off lighting.

Mr. Rooker noted that Colonel Moffett, who had come before the Board before, indicated they intended to build a building according to LEED standards.

Ms. Thomas noted that one of the things they did not recognize was their traffic impact. She said she received a note from the University of Virginia talking about their carpool and van pool incentive program. They charge for parking and have a much easier time providing incentives than Albemarle. She asked if the Board could get an update of how the County is doing in terms of carpool incentives, van pooling, motor biking, etc.

Mr. Boyd pointed out that the County just received an award from the Rideshare Group because of its participation in ridesharing.

Mr. Tucker commented that the County primarily offers places for employees to park up closer to the building if they carpool and, there are shower facilities if they ride their bike. He noted that more people are using the scooter type transportation, and people do ride bikes. He added that there are also staff members purchasing Smart Cars.

At 8:19 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 (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to a water protection ordinance appeal. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

At 8:37 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Mallek, **seconded** by Mr. Rooker, that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

Motion was then offered by Mr. Rooker, **seconded** by Mr. Slutzky, to adopt the following resolution dismissing an appeal related to extension of Runway 21 at the Charlottesville-Albemarle Airport as premature and setting for public hearing an amendment to Albemarle County Code §17-319. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION DISMISSING APPEAL RELATED TO EXTENSION OF RUNWAY 21
AT THE CHARLOTTESVILLE-ALBEMARLE AIRPORT AS PREMATURE
AND SETTING FOR PUBLIC HEARING AN AMENDMENT
TO ALBEMARLE COUNTY CODE § 17-319**

WHEREAS, the County's Program Authority made a preliminary decision that a proposed 800 foot extension of Runway 21 at the Charlottesville-Albemarle Airport could encroach into a stream buffer on the Airport's property because the runway was a "driveway" within the meaning of Albemarle County Code § 17-320(D) which would allow it to be developed within a stream buffer, provided that specified performance standards are satisfied; and

WHEREAS, on August 6, 2008, the Board received information from the Airport's Executive Director, who identified the extension of Runway 21 as critical to the continuing success of air service at the Airport and explained that the construction of the runway extension will occur in a manner that provides the highest level of environmental protection reasonable for this type of construction activity; and

WHEREAS, on August 6, 2008, Allan B. Kindrick submitted a letter purportedly appealing the Program Authority's interpretation of Albemarle County Code § 17-320(D) to the Board of Supervisors, as authorized under Albemarle County Code § 17-311; and

WHEREAS, the Program Authority has neither approved the stormwater management plan, nor taken any other action, on the proposed runway extension project and, therefore, no action has been taken that would establish a right to appeal as provided under Albemarle County Code § 17-311; and

WHEREAS, the Program Authority has further examined this issue and, because of the important public purposes for the runway extension project, the federal and state environmental review to which this project is subject, and the need for the project to be exempt from any requirements to retain, establish, or manage a stream buffer, as permitted for certain types of development under Albemarle County Code § 17-319, recommends that the treatment of public airport facilities be specifically addressed by an amendment to the Water Protection Ordinance to include such facilities under the provisions of Albemarle County Code § 17-319.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby dismiss the August 6, 2008 appeal by Allan B. Kindrick as premature; and

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby sets for public hearing on September 3, 2008 an amendment to Albemarle County Code § 17-319 to add the construction, installation and maintenance of runways, taxiways, and other similar or appurtenant improvements at public airports, including their expansion or extension, as a type of development that is exempt from the duty to retain, establish or manage a stream buffer, provided that all applicable federal, state and local permits are obtained, and to make other related amendments to Chapter 17 of the Albemarle County Code as determined to be necessary and appropriate.

Agenda Item No. 11. Adjourn. At 8:38 p.m., there being no further business to come before the Board, the meeting was immediately adjourned.

Chairman

Approved by Board
Date: 12/03/2008
Initials: EWJ