

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 8, 2008, at 3:30 p.m., Room 241, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia; the regular meeting began at 6:00 p.m. in the Lane Auditorium. The meeting was adjourned from October 1, 2008.

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

ABSENT: Mr. Lindsay G. Dorrier, Jr.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Manager of Strategic Planning and Performance, Lori Allshouse, Coordinator of Research and Analysis, Steven Allshouse, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 3:32 p.m., by the Chairman, Mr. Boyd.

Non-Agenda Item. Old Trail Assisted Living Facility.

Ms. Mallek said she hoped that Board members had had a chance to review her e-mail regarding a request for the addition of an assisted living facility at Old Trail. She indicated that she would like to expedite this item.

Ms. Thomas noted that it would leave less time in between the Planning Commission meeting and the Board's consideration of the item.

Ms. Mallek answered that that is correct, but she assumed that there would be background needed before the Board decided if it wanted to expedite the project or not, but the request would be to fast track the project.

Mr. Rooker said that he had no objection if it is something staff feels like they can handle reasonably quickly. It seems to be a targeted change to the code of development. This is a type of housing that is needed in the community, and it would be appropriate at this location.

Mr. Tucker said that Mr. Graham believes this can be moved through the process fairly quickly.

Mr. Slutzky said the real issue for accelerating it is the deadline of a significant amount of HUD money.

Ms. Mallek clarified that 90 percent of the money is HUD funded and needs to be applied for by the 30th of November.

Mr. Slutzky **moved** to authorize an expedited process to the extent that staff can advance the Board action date for the Old Trail Senior Assisted Living Facility. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Absent: Mr. Dorrier.

Agenda Item No. 2. Work Session: Strategic Planning, in Preparation for Board's October 24 Strategic Planning Retreat.

Ms. Lori Allshouse, Manager of Strategic Planning and Performance, summarized the staff report. She said that since 2001, the Board of Supervisors has provided a leadership role in the County's strategic planning effort. The Board adopted the County's current FY07– FY10 Strategic Plan in July 2006 and directed staff to continue its focus on enhancing the County's quality of life, protecting its natural resources, managing growth, developing infrastructure, and creating a long-range, comprehensive funding strategy.

Ms. Allshouse said that each fall, the Board holds a retreat to either begin a new strategic planning cycle or to make adjustments to the current plan. At these retreats, the Board reviews annual performance, new data, emerging trends, citizen priorities and provides guidance to staff. The Board also recommends changes to the Plan to address emerging trends and challenges. Board discussions at the fall retreats serve to inform and guide the long-range and annual operating budget processes that commence shortly thereafter.

At the fall 2006 and 2007 retreats, the Board provided additional guidance to staff on comprehensive long-range funding, master planning, and transportation objectives. During the 2007 Retreat, the Board reviewed and discussed emerging public safety challenges facing the County. As a result of these discussions, the Board incorporated a public safety objective into the current plan in June 2008.

Ms. Allshouse reported that in an effort to continuously improve the strategic planning process, staff met with the Board Chair and Vice Chair to discuss the County's planning efforts and to identify potential topics for the 2008 Retreat, which is scheduled for October 24. The Chair and Vice Chair

suggested that this year the Board should review its strategic planning priorities, discuss emerging trends and the financial challenges facing the County. Further, the Board should determine whether to continue to pursue all identified priorities, make adjustments in time lines and/or levels of performance, and/or pursue alternative strategic options. Since there is much to discuss this year, the Chair and Vice Chair recommended staff hold two sessions this fall.

She said that today, the Board will be presented with highlights from the County's annual Strategic Plan progress report. Dr. Thomas Guterbock, Director of the UVA Center for Survey Research, will present the results of the 2008 Citizen Survey, and Steve Allshouse, Coordinator of Research and Analysis, will highlight emerging trends included in the 2008 Community Profile. Additional information will be provided to the Board during the work session for their review prior to the Strategic Planning Retreat on October 24th.

Ms. Allshouse also stated that the Strategic Plan provides direction for the County's annual budget and the Five-Year Financial Plan processes.

Finally, she said that this work session is intended to help the Board increase its understanding of the County's performance, citizen expectations and emerging trends, and to provide the Board a notebook of materials to be used in preparation for the October 24th Strategic Planning Retreat. No action is required.

She presented the vision that the Board worked on at their 2005 retreat, which is the desired future for Albemarle County or the mission statement – the primary role or purpose for the organization; and the core county values.

Ms. Allshouse noted that there are five county goals, and under each one are specific objectives. She said that in the County the plan has a four-year timeline but also has an annual renewal process built into it. Ms. Allshouse emphasized that staff is trying to align the strategic plan to the five-year planning model and connect the plan to the budget.

Ms. Allshouse reported that to measure success, staff has developed performance data – and this plan has 42 pieces of performance data that are in the report. She said that the planning team has also talked with staff and asked them about challenges and opportunities, as well as resources that are directly tied to each strategic objective. Ms. Allshouse stated that to evaluate how well the strategic plan is doing with helping the organization move forward, the criteria include whether the plan drives the county's resources; whether it provokes thought, creativity, and internal review; and does the plan really guide staff efforts.

Ms. Allshouse said that there are 10 objectives: enhance the quality of life – collaborate with the school division, affordable housing, economic vitality, and public safety; protect natural resources – water resources working closely with Rivanna on the water supply, protecting water resources, protecting the quality of water, 30,000 conservation easements by 2010; develop policies and infrastructures to meet growing needs – transportation, both transit and two local and two regional projects; effectively managing growth and development – implement the nine key strategies of the Rural Area Plan and complete all five master plans by 2010; and fund the future – develop a comprehensive strategy on how to fund the future.

She presented a report card for the strategic plan. The report card includes objectives that are going to be making satisfactory progress – although there are issues because of frozen positions and economic challenges; there may be three that could be considered completed or near complete; two face significant challenges that need to be adjusted. Ms. Allshouse said that progress has been made with affordable housing, economic vitality, public safety, and water & conservation resources. She stated that the conservation easements made 99.6% of its two-year goal, and qualifying parkland brought staff close to the halfway mark in meeting its total goal. She also noted that 19% of the county is protected by conservation easements – including those in parklands.

Ms. Allshouse said that items that are complete or nearly complete, based on how the objectives were written, include collaboration with the school division. She mentioned that there are already a lot of joint initiatives between local government and schools, and Albemarle collaborates more than many other jurisdictions; the Board has also set up a quarterly meeting schedule with the schools to improve those ties. Ms. Allshouse said that staff from both divisions have been working together more closely as well. She added that the School Board's strategic plan ends in 2009.

She reported that the objective related to the rural areas strategy was to implement the key strategies of the Rural Area Plan – a comp plan with 77 different objectives. She said that the third objective to consider is to develop a funding strategy plan to address the County's growing needs – and the County adopted a five-year funding model for the first time last year.

Ms. Allshouse explained that there are objectives that are considered incomplete, and staff needs guidance on those. She said that under the goal of developing policies and infrastructure to meet growing needs, the Board had objectives of expanding transit opportunities and accelerating completion of Meadow Creek Parkway. Ms. Allshouse stated that the challenges here are big – reduced VDOT funding, schedule delays such as those at Jarman's Gap and Georgetown Road, challenges to obtain legislation for alternative funding sources, and the need for direction as to how to allocate CIP funds.

She also reported that there was an aggressive goal to complete all the master plans for development areas, but many of those are behind by at least a year due to frozen positions in Community Development, and they have suggested a revised proposed schedule. Ms. Allshouse said that that

department wants to combine neighborhoods 4, 5, 6, and 7 and call it the "Southern Urban Area Master Plan" and start it sometime in the future, perhaps not even by 2010.

Ms. Allshouse commented that the Strategic Plan is in a challenging position because of the economic realities facing the County, including at least 30 frozen positions that help support the plan. She added that staff hopes to improve the alignment of the plan with the five-year funding plan, noting that there has been \$2.0 million in donations supporting the plan and at least 50 other agencies are working with the County on carrying out the plan. Ms. Allshouse said that the County uses the Baldrige criteria for leadership, and all three components under that model are being addressed in the County's process.

Mr. Steven Allshouse, Coordinator of Research and Analysis, addressed the Board, stating that he is presenting on the County's Community Profile – a document started in 2003 to get general data about the County to provide decision-makers with information – and it is divided into broad groups that align with the Strategic Plan. He also said that this year, due to staff constraints, he couldn't get data on every area and some categories have more information than others.

Mr. Allshouse said that Albemarle continues to be a popular place to live, and the economy over the last five years has been very strong. He added that the unemployment rate over the last year has increased, and the crime rate has also gone up; there has been an increase in food stamp assistance in the County as well.

Mr. Allshouse reported that the cost of housing continues to be challenging for residents, but that might not be as difficult as originally thought. He added that the County's growth management policies thus far have not seemed to reduce new development in the rural areas. Mr. Allshouse reported that between 1997 and 2007, the County gained about 1,300 people per year – births and in-migration – which translates into about a 1.6 percent growth rate. He said that 50 to 70 percent of population growth can be attributed to in-migration, but in 2006 that rate was even higher.

He explained that during the period of 1999-2002, job growth leveled off, and VEC data does not account for people working at home. Between 1997 and 2007, the job base grew by 53 percent - or 17,500 jobs; he said that the private sector accounted for 70 percent of the job base. He noted that the NGIC jobs were already here in 2001, and they did not add many people in 2002-2007. He also presented information that illustrated that the City had more jobs than the County before 1999, but Albemarle caught up that year and started pulling ahead in 2002 and now has the largest number of jobs in the region.

Mr. Rooker commented on the flat line for other Counties' job growth as shown in the presentation materials.

Mr. Allshouse also pointed out that as of 2006, the County has the majority of jobs – now about 53 percent in the region. He said that the unemployment rate tends to be below the state and national averages, as well as the County's peer groups – Hanover County, James City, Loudoun County, Henrico County, and Stafford County. Mr. Allshouse said that while Albemarle is still at the low end of the scale, the unemployment rate has climbed from 2.5 percent in July 2007 to 3.7 percent now and that's the highest rate since 1992. He noted that August 2008 figures show the 3.7 percent rate again.

He explained that nearly every job created between 2002 and 2007 – 10,048 jobs – roughly 50 percent paid better than \$800 per week, not including benefits, and 46 percent paid less than that. Mr. Allshouse added that educational services, public administration, and local government combine for about 45 percent of high-paying jobs; 55 percent of the jobs were in the private sector.

Ms. Thomas commented that one quirk to consider is that weekly wages per person also include part-time employees.

Mr. Allshouse reported that the median sales price of single-family dwelling units in the County peaked in 2006 and declined by 3 percent in 2007; there is currently about a 12-month unsold supply of housing inventory of single-family detached, a 14-month supply of condo inventory, and a nine-month supply of single-family attached townhouse units. He said that five to six months' worth is considered a balanced market. Mr. Allshouse said that this may make housing more affordable, and that definition may need to be reconsidered depending on what the credit market does. He used an average sales price of \$225,000 – which would make an affordable home around \$202,000 – within the range of County proffers.

He also reported that nationally, crime rates have increased somewhat over the last year or two, and Albemarle's went down between 2002 to 2004 and then hit a plateau in the last three years. Mr. Allshouse also said that the number of food stamp claims has gone up by about 120 percent since 2000.

Mr. Slutzky and Mr. Rooker noted that the food stamp program had been underutilized, and there have been efforts to better promote its availability.

Mr. Allshouse presented data on building permits issued between 2000 and 2007, noting that the residential building permits in the development areas account for about 66 percent with the trend line being very flat. The County is not really changing where the development is going in terms of building permits issued.

Mr. Rooker said that it used to be 50/50, so a trend line of 66 percent is definitely an improvement.

Mr. Slutzky noted that in 2006 and 2007 the Board approved a sizeable number of potential development area lots, and perhaps the spike is in response to that.

Mr. Tom Guterbock of the Weldon Cooper Center, Center for Survey Research, addressed the Board. He presented them with a handout that reflects a survey he and his colleagues did to gather information from residents on quality of life and use of resources. Mr. Guterbock said that the survey was done by telephone, and over 700 interviews were completed; this time cell phone users were included. He noted that the margin of error is +/-4 percent, and the County offered many suggestions as to new questions to include. The survey was more complicated than those done in the past.

Mr. Guterbock mentioned some changes in semantics to clarify some questions, but wording changes have to be considered carefully as it makes it hard to compare previous responses if the questions are asked differently. He explained that the center wanted to bring cell phone users in to capture more young users, which have been lost over time. He said that the center uses random digit dialing, which only reaches landline users, and cell phone users tend to be younger, more transient, unmarried, and of different ethnic backgrounds. He explained that they included 155 cell phone calls as about 8 percent of county residents are cell phone only users; this year 21.5 percent of respondents are under 35, which correlates fairly well with overall population numbers.

Mr. Guterbock reported that using a one to ten scale asking respondents to rate the County as a place to live, 14 percent gave the County a ten; 73 percent give it an eight or better; the median rating is about 8.8 percent. He noted that there has not been a significant change over time.

Mr. Guterbock said the survey asked people who had lived here two years or less why they relocated, and the answers were getting jobs here, having family here, cost of housing, beauty of area, quality of schools, and only two percent said they moved here to retire. He stated that 15 percent of people who had moved within the county said they did so to find places that were convenient to urban amenities, and 11 percent talked about moving to a better school district. Other responses reflected an interest in transportation, getting to the countryside, lower crime areas, convenience to work, cost of housing, etc. Mr. Guterbock clarified that the question was: "Suppose you were to move to another location within Albemarle County. What features would be most important to you in choosing where to live?"

He said that the survey asked respondents to rate the importance of the County devoting resources to services, or to rate the importance of the County spending tax dollars on an item. Mr. Guterbock reported that participants indicated that the most important items were education, public safety, and protecting water resources – with 88 percent saying that's very important.

Mr. Rooker noted that the results were lower in every category when the question was worded as "spend tax dollars" versus "devote resources."

Mr. Guterbock said that the items given the least importance rating include tourism, cultural and entertainment opportunities, outdoor lighting to reduce light pollution, historic buildings, learning opportunities for adults, and supporting people in financial need. He reported that regarding overall satisfaction with County services 92.8 percent are "very" or "somewhat" satisfied and less than two percent are dissatisfied.

Mr. Slutzky noted that the lower ranked items are likely to be so because respondents view themselves as not benefitting from them.

Mr. Guterbock said that the County is up a couple percentage points related to satisfaction, and 35 items out of 38 had a 60 percent or better satisfaction rate, while 26 items had 75 percent or better. He reported that fire protection topped the list, as well as providing needed public facilities, public safety, library services, and promotion of tourism.

Mr. Rooker asked what they thought public facilities included.

Mr. Slutzky commented they probably weren't thinking about roads.

Mr. Guterbock noted that satisfaction rankings were lowest for recycling, affordable housing, fairness of property tax assessments, managing growth in the County, and making it easy to get around.

Mr. Rooker clarified that facilities refer to physical facilities like libraries, fire stations, or parks.

Mr. Guterbock explained that two items decreased from 2006 – emergency rescue service and providing fair property tax assessments. Taking out cell phone respondents, the tax category did not go down at all. Those citizens are renters but they also tend to be low income. He also said that ratings improved for protecting and preserving the County's rural character, and protecting natural resources and the environment.

Mr. Guterbock reported that with the traditional wording of "should we devote resources to it," the survey identified a gap; education is the most important, but only 15th in satisfaction; protecting water resources is 5th highest but only 25th in satisfaction; property tax assessment is 7th in importance but only 32nd in rank; there are also gaps in providing services to disadvantaged, in recycling, maintaining the quality of life, and managing growth in the County. He explained that in some categories the semantics work the other way – promoting tourism is 5th in satisfaction but 34th in importance; 91 percent are satisfied with the job being done to protect historic places, but it doesn't rank high in importance.

Switching to the "spending tax dollars" wording, importance ranks are slightly different but satisfaction is the same, with gaps revealed in education, water resources, tax assessments, and services

to the disadvantaged. Safety in business areas jumps up on the list as it was viewed as satisfactory but not particularly important.

Mr. Guterbock reported that 79 percent of respondents were satisfied with efforts to keep them informed, with 73 percent who had had contact with the County expressing satisfaction with their experience.

Regarding government spending on transportation, Mr. Guterbock said that 70 percent of respondents indicated that they would support having the County spend more on infrastructure, with only nine percent strongly opposed. He also stated that 66.5 percent would support spending more on bike paths and sidewalks. Mr. Guterbock said that when the question was posed of using more tax money to do so, 58 percent indicated they would do so to improve infrastructure.

Mr. Guterbock reported that the survey respondents indicated their ranking of the four most important priorities: increasing the number of jobs, slowing down population growth, protecting natural resources, and lowering taxes.

He concluded his report by stating that most respondents are very satisfied with the quality of life here, rank most services high, and the survey got a better representation by using cell phone numbers. Mr. Guterbock noted that when performance is high and satisfaction is lower, perceived importance is something that needs to be worked on. A priority matrix will be made available to outline this.

Ms. Allshouse said that the next steps include the Strategic Planning Retreat on the 24th at the Forestry Department, and some Board work sessions in November. She mentioned that the Board's notebooks include a copy of the PowerPoint presentation, and staff would like the Board to consider the questions under Tab 2 in their notebooks. Ms. Allshouse said that this also includes the full version of the Strategic Plan.

Item No. 2a. Discussion: Budget Review Guidance.

Mr. Tucker addressed the Board and said that this is a procedural question on process. Due to the financial situation, staff would like to request that the Board allow staff to extend the amendment year to the CIP. This is the year that staff normally gets proposals in the CIP, but they would like to extend that for one more year to relieve staff from having to prepare proposals and requests. At this point, staff is unsure if there is money available to fund the projects.

Mr. Boyd said that would basically be shutting down new initiatives from coming forward.

Mr. Tucker said staff will continue to focus on critical and necessary additions to the Five Year Financial Plan, but they will not be looking at major expansion items.

Mr. Rooker asked if projects came forward, would they still be able to put them in the CIP?

Mr. Tucker answered "yes", and said that no projects are being eliminated.

There was a **consensus** of the Board to follow staff's recommendation that Mr. Tucker described above.

Agenda Item No. 3. **Recess.** At 5:13 p.m., the Board took a recess.

Agenda Item No. 4. Call to Order. The meeting was called to order at 6:01 p.m. by the Chairman, Mr. Boyd.

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

ABSENT: Ms. Ann H. Mallek.

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. From the Board: Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 8. From the Public: Matters not Listed on the Agenda.

Ms. Liz Palmer addressed the Board, stating that their jobs are very important and the County is lucky to have them, but she is concerned about the pool of applicants that might replace them. She said that the salaries have not kept up with the changing times, as the present salary is \$14,542 annually – which makes it impossible for less affluent members of the community to take the job. Ms. Palmer requested

that the Board write a description of their duties and give a range of hours that are expected for them to work, and establish a reasonable salary effective for the next term, then post this information on the department website. She also added that she has no intention of running.

Mr. Davis explained that the method the Board uses for salaries is limited by a salary cap and an escalator not to exceed a 5 percent cost of living increase; an alternative method would allow the Board to set a higher salary but half of them must be up for election before the increase could take effect.

Agenda Item No. 9. Consent Agenda.

Motion was offered by Ms. Thomas, **seconded** by Mr. Slutzky, to approve Items 9.1 through 9.4 on the Consent Agenda and to accept the remaining item for information. (Note: Discussions are included with individual items.) Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Absent: Ms. Mallek

Agenda Item No. 9.1. Approval of Minutes: March 5, March 12, and March 19 (A/N), 2008.

Mr. Slutzky had read the minutes of March 5, and found them to be in order.

Ms. Thomas had read the minutes of March 12, and found them to be in order.

Ms. Mallek had not read the minutes of March 19 (A/N), and they were pulled.

By the recorded vote set out above, the minutes which had been read were approved. All other minutes will be placed on a future agenda for approval.

Agenda Item No. 9.2. 2007-08 ACE Applicant Appraisals and Acquisition of Anderson Easement.

The executive summary states that on May 7, 2008, the Board of Supervisors approved the Acquisition of Conservation Easement (ACE) Committee's request to have seven (7) properties appraised from the Round 8 (FY 2007-08) applicant pool. These included the Anderson, Garnett, Hudson (Michael), Dutnell, Riddervold, Hudson (Fred), and Thurman properties – the top seven ranked properties from this class. Based on estimated easement values for this class at the time, the ACE Committee believed funding was sufficient to purchase most of the easements. The Committee recommends that, even if current funding were insufficient to purchase all of the easements, it was prudent to obtain appraisals on more properties than funding would allow in the likely event that one or more higher ranking applicants chose not to submit an offer after receiving their appraisals as part of the County's invitation to offer to sell.

The Board of Supervisors must designate the easements to be purchased, as provided under section A.1-111(A), which states in part: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)."

All seven (7) appraisals were completed in early September and submitted to the Appraisal Review Committee, which unanimously approved all appraisals. The ACE Committee then met on September 8 to determine which easements to recommend for purchase. For FY 2007-08, funding of \$1,627,000 was appropriated to the ACE program and there are no unencumbered funds carried over from the previous year. Though some grant money may be awarded to supplement County funding, no grant funding has been secured at this point. Thus, the total amount of funds available in FY 2007-08 for easement acquisitions is anticipated to be \$1,627,000.

The ACE Committee recommends the purchase of the Anderson easement, the top ranked applicant from the FY 2007-08 class. Since the appraised value of this easement is \$735,000, funds are more than adequate to cover its purchase.

In the meantime, the second highest ranked applicants (Garnett) are still assessing their situation and have not provided the necessary tax returns to determine adjustments to the purchase price based on the grantors' income. Until this issue is resolved, the ACE Committee recommends delaying action on Garnett and other lower ranked properties for one month. In the event that the Garnett family decides not to proceed, the current budget would allow the County to purchase most or all of the remaining properties in this class, including Hudson (Michael), Dutnell, Riddervold, Hudson (Fred) and Thurman. The ACE Committee intends to provide the Board a subsequent recommendation on the additional properties for easement acquisitions in November.

Acquisition of the Anderson easement would provide the following resource protection:

- protection of 248 acres of farm and forestland
- elimination of 11 development lots
- 5,973 feet of state road frontage (on SR 717 & SR 708)

- 2,462 feet of riparian buffer on the Hardware River and 5,824 feet on the South Fork of the Hardware River
- the smooth sweet shrub, a natural heritage resource was found within ¼ mile of property
- lies in the Southern Albemarle Rural Historic District
- 5,369 feet of common boundary with other protected lands (Davey easement)
- 179 acres of "prime" farm and forestland
- property has significant tourism value

Funding for the purchase of this conservation easement comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value." The Anderson property qualifies for the use of tourism funds because it lies in the Southern Albemarle Rural Historic District.

The following recommendations are provided for action by the Albemarle County Board of Supervisors: First, that the Board approve the seven (7) appraisals by Pape and Company for applications from the year FY 2007-08 applicant pool, and second, that the Board approve the purchase of an ACE easement on the Anderson property.

(Discussion: Mr. Rooker commented that there are several appraisals for ACE that are very small amounts of money, and wondered if there should be a discussion with someone on the ACE committee to see if there might be lower-priced easements that could be pursued with whatever money is leftover – even if they are not ranked as high.

Ms. Thomas added that sometimes ACE has brought back properties that might be covered by grant funds, noting that Ms. Mallek is the liaison for that program.)

By the recorded vote set out above, the Board approved the seven (7) appraisals by Pape and Company for applications from the year FY 2007-08 applicant pool, and approved the purchase of an ACE easement on the Anderson property.

Agenda Item No. 9.3. Resolution Endorsing Rail Preservation Application of Buckingham Branch Railroad Company.

In a letter dated September 26, 2008, to Mr. Robert W. Tucker, Jr., County Executive, Ms. Gale Wilson, General Manager, R & A, Division, Buckingham Branch Railroad, states that they have found it necessary to adjust the work that they are performing in Albemarle County due to priority issues. In light of this change, they are requesting that the County of Albemarle pass an updated resolution for them to submit to the Virginia Department of Rail and Public Transportation for this change. The VDRPT has approved these changes in their program and supports their request for making these changes. A description of the work that they are requesting funds for is attached with their letter. This application is part of a project that affects more than one county. Hence, the total project amount may be distributed over one or more counties. She also noted that these projects may be multi-year projects not single year projects.

By the recorded vote set out above, the Board adopted the following resolution endorsing the Rail Preservation Application of the Buckingham Branch Rail Road Company.

**RESOLUTION ENDORSING
RAIL PRESERVATION APPLICATION OF
BUCKINGHAM BRANCH RAILROAD COMPANY**

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and

WHEREAS, Buckingham Branch Railroad has identified projects that are estimated to cost \$13,200,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, the Buckingham Branch Railroad is an important element of the County of Albemarle transportation system; and

WHEREAS, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Albemarle supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

NOW, THEREFORE, BE IT RESOLVED, that the County of Albemarle Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

Agenda Item No. 9.4. Reconsideration of FY 2009 Appropriation.

(Note: This item was originally scheduled for Board consideration on October 1, 2008. At that meeting the Board removed from the proposed budget amendment the appropriation to unfreeze two Community Development positions using anticipated fees. This requested appropriation is not related to the recent subdivision fee increases the Board reviewed in September but they are related to the fees the Board reviewed last April (Building, Erosion and Sediment Control, and Water Resources fees), at which time the Board authorized staff to move forward with unfreezing two positions. Community Development has already filled the two positions related to this appropriation based on the authorization the Board gave back in April so this appropriation is a follow-up action due to the timing of this change between two fiscal years. This appropriation (#2009025) is on the Board's consent agenda for reconsideration.)

By the recorded vote set out above, the Board approved FY 2009 Budget Amendment in the amount of \$130,422.00 and Appropriation #2009025, as set out below:

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009025
DATE _____
BATCH# _____

EXPLANATION: Appropriate funds for 2 Community Development positions that had previously been frozen and are now funded through fees

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
1	1000	34050	110000	Regular Salaries	J	1	47,168.00		
1	1000	34050	210000	FICA	J	1	3,608.35		
1	1000	34050	221000	VRS	J	1	6,386.54		
1	1000	34050	241000	Life Insurance	J	1	471.68		
1	1000	34050	231000	Health Insurance	J	1	6,523.00		
1	1000	34050	232000	Dental Insurance	J	1	238.00		
1	1000	34050	270000	Worker's Compensation	J	1	740.54		
1	1000	81022	110000	Regular Salaries	J	1	47,834.00		
1	1000	81022	210000	FICA	J	1	3,659.30		
1	1000	81022	221000	VRS	J	1	6,476.72		
1	1000	81022	241000	Life Insurance	J	1	478.34		
1	1000	81022	231000	Health Insurance	J	1	6,523.00		
1	1000	81022	232000	Dental Insurance	J	1	238.00		
1	1000	81022	270000	Worker's Compensation	J	1	76.53		
2	1000	13000	130324	Erosion Control Permits	J	2	65,136.00		
2	1000	13000	130308	Building Permit Fees	J	2	65,286.00		
	1000		0501	Est. Revenue				130,422.00	
			0701	Appropriation					130,422.00
TOTAL							260,844.00	130,422.00	130,422.00

Agenda Item No. 9.4a. FY 2009 Appropriation.

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

The total of this requested FY 2009 appropriation is \$2,126,026.19. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

The County of Albemarle has prepared a grant application to the Virginia Department of Agriculture and Consumer Services' Office of Farmland Preservation for their Preservation of Development Rights Program. If awarded, this grant will provide funds to supplement the County's Acquisition of Conservation Easement Program. The required grant documentation, which includes a certification of available matching funds for the program, is due to be signed and returned to the Office of Farmland Preservation by October 17, 2008.

As a result of additional staff review, the reappropriation request of uncompleted General Government capital projects, which is typically brought to the Board for consideration in October, was removed from the October 1st agenda. In order to accurately reflect the County's current local funding for the ACE Program, including the unexpended balance in the program from June 30, 2008, a reappropriation of the unexpended funds, in the amount of \$2,126,026.19, is requested. This will enable the certification of matching funds to reflect the reappropriated balance in addition to the current FY 2009 balance.

Staff recommends the approval of FY 2009 Appropriation No. #2009031 totaling \$2,126,026.19.

By the recorded vote set out above, the Board approved FY 2009 Appropriation #2009031 totaling \$2,126,026.19, as set out below:

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009031
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of Capital Improvement Funds for ACE Program

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CO DE	AMOUNT	DEBIT	CREDIT
1	9010	72030	580416	Tourism - ACE	J 1	456,679.83		
1	9010	81010	580409	Planning - ACE	J 1	1,669,346.36		
2	9010	51000	510100	Appropriation - Fund Balance	J 2	2,126,026.19		
	9010		0501	Est. Revenue			2,126,026.19	
			0701	Appropriation				2,126,026.19
TOTAL						4,252,052.38	2,126,026.19	2,126,026.19

Item 9.5. Letter dated September 25, 2008 from Brandon D. Kiracofe, Environmental Engineer Senior, to the Honorable Kenneth Boyd, Chairman, re: Reissuance of VPDES Permit No. VA0024945, Lake Monticello STP **was received for information.**

Agenda Item No. 10. **Public Hearing:** 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 softball fields. Darden Towe Park is located off Route 20 North (Stony Point Road) at Elk Drive. (Advertised in the *Daily Progress* on September 22 and September 29, 2008.)

Mr. Boyd reviewed the policies and procedures for providing public input, explaining that members of the public have three minutes to address the Board.

The Executive Summary provided to Board members state that on May 19, 2008, City Council adopted a new master plan for McIntire Park which defined the exact boundaries for the YMCA lease area and the desired redevelopment of the remaining park land in that area of McIntire Park. The proposed location of the YMCA and the associated parking encroaches upon the two existing lighted softball fields. The remaining softball field area is proposed to be converted to a rectangular athletic field to serve City and County residents. In order to maintain the current level of service for softball, City and County staff have recommended that the three softball fields at Darden Towe Park be lighted. In addition, the City plans to light the Charlottesville High School softball field in the spring of 2009.

Staff recognizes that lighting of the facilities at Darden Towe Park has been a concern of park neighbors since the City and County entered into an agreement to establish the park in 1986. 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.

Staff has prepared a Resolution for the Board's consideration to allow the lighting contingent on approval by the City and the approval of an acceptable funding and lighting plan.

The total cost estimate for lighting the softball fields is approximately \$550,000 while the annual operating cost is estimated to be \$5,250. Capital and operating costs are divided between the City and County based on the relative population of the two localities. Participation from other localities would be requested and other fund raising strategies considered if the Board and Council approve the lighting of the fields. 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 resolution to approve the lighting of the softball fields at Darden Towe Park.

Mr. Pat Mullaney, Director of Parks and Recreation, addressed the Board, stating that his department is requesting approval of the concept of lighting the softball fields at Darden Towe Park. This recommendation was made to the Darden Towe Park Committee, and that committee recommended a public hearing by the Board and City Council prior to taking action on the request. He explained that in 2004 and 2005 both the City and County conducted recreation needs assessments that revealed a pressing need for indoor recreation. In response, the County entered into a partnership with the City to support construction of a YMCA at McIntire Park. To determine the proper location, he said, the City embarked in an extensive citizen-driven master plan effort. City Council approved a location that encroaches on the two lighted softball fields. According to the master plan, he said the remaining space at McIntire is to be converted to a multi-use field – another pressing need for the community. Mr. Mullaney said that the City league softball program has historically used the lighted fields at McIntire Park, and the other fields are at PVCC and Darden Towe, with some games at Washington Park. He stated the three choices are to light the existing fields, build new fields, or reduce the league by 40-50 percent.

Mr. Mullaney said that the City softball league has about 2,400 participants on 160 teams during spring. In the fall there are about 140 teams and 46 percent of participants are County residents with 20 percent City residents and 34 percent from other localities. He said that reducing the league would directly impact about 240 City residents and 550 County residents. Mr. Mullaney indicated that their recommendation is to maintain the current level of play by lighting the Charlottesville High School softball field, which the City plans to do in spring 2009, and lighting the three fields at Darden Towe Park. He noted that there is no existing alternative space available and lighting fields is the most efficient way to provide additional playing time. Mr. Mullaney pointed out that Darden Towe Park is a regional park and is in the Pantops development area, and that fields can be lighted with minimum impact because there is an adequate buffer. He also said that games do not extend beyond 10:00 p.m. and the fields use no amplified sound system. Lighting existing facilities is far less expensive than building and maintaining new park areas. Mr. Mullaney added that lighting fields costs between \$550 to \$750,000 depending on technology used, and it might take at least ten times that much to build new facilities that accommodate the same need.

Mr. Mullaney noted that regional parks are large parks that serve a regional function. They typically have a service radius of ten miles or more, and provide a variety of large-scale indoor and outdoor facilities such as athletic complexes, indoor gymnasiums, aquatic facilities, natural areas, etc., and lighted facilities are typically the norm with extended hours. He said that this is more the type of intensive use found in the urban ring than in the rural areas. He provided images of older lighting versus newer technology that reduces spill lighting. Mr. Mullaney added that soft lighting is available, which is a full-cutoff shoebox fixture, but it is 50 percent higher than traditional lighting means. He noted that the fields sit about 40 feet below the upper parking lot and soccer fields, and there are tall trees that would provide shielding. The poles to light the fields would be about 70-80 feet tall. Mr. Mullaney explained that the noise level would not be a big concern as the league uses no amplified sound system and the games would not extend beyond 10:00 p.m. There are few spectators after 8:00 p.m., with 100 people and 80 cars in the park while the lots are on. He stated that lighting the fields is not going to draw larger crowds, and will not create a need for larger roads or more infrastructure to handle traffic because that is not when the peak crowds are.

Ms. Thomas asked what that is being based on.

Mr. Mullaney responded that it's based on the actual experience at McIntire and Darden Towe. He explained that at Darden Towe on Saturday mornings from 9:00 a.m. to noon, March to November, there are 502 cars in the park that turn over every hour until noontime as that is when the soccer fields, softball fields, and little league baseball fields are going. From noon to 3:00 p.m., he said, it drops over to about 250 cars turning over every hour and from 3:00 p.m. until dark there are about 100 cars. On Sundays, Mr. Mullaney said that the average is about 250 cars until 4:00 p.m. with 75 to 100 until dark. The weekday average is 100 to 125 cars around rush hour, then 75 to 80 near dark. He emphasized that lighting the fields extends the low-end traffic about two hours every evening for the six months out of the year.

To minimize negative impact, Mr. Mullaney said that staff is recommending that the lighting be used only for recreational league play and that no lighting be allowed on Friday or Saturday nights. Staff further recommends that no lighting be allowed from November 1 through March 21, except as necessary to accommodate weather related make up games for the fall City League Softball Program. In addition, staff is investigating a "full cut-off" lighting system which is gaining popularity on the west coast but has yet to be used in the eastern United States. If determined to be feasible, this system may allow lighting of the

softball fields while meeting the intent of the Outdoor Lighting provision of the County's Zoning Ordinance better than traditional "shielded aimable" lighting systems.

He stated that there is an estimate of 792 City and County residents who would benefit from this, with minimal negative impact if the fields were lighted. Mr. Mullaney noted that the decision tonight does not light the park. That is dependent on funding and an approved lighting plan which are under Board control.

Ms. Thomas asked about tournaments and play for out-of-area teams, etc.

Mr. Mullaney replied that tournaments can still occur during the day but would be cut off at dark, as it is now. He said that the Darden Towe Park Committee could also vote on a case-by-case basis to approve special tournaments.

Mr. Dorrier asked about the funding structure for the lights, and Mr. Mullaney said that the funding would be 70 percent County and 30 percent City according to the Darden Towe Park agreement. Mr. Mullaney added that when players play tournaments there is a per-game fee and field maintenance fee. The leagues pay a fee to the City, which the City in turn administers.

Mr. Boyd commented that the cost would likely be the \$750,000 to meet the dark skies ordinance.

Mr. Mullaney noted that the \$550,000 is the top of the line Musko product, but is not as good as the \$750,000 system in terms of light spillover. He did emphasize that they do need more information about the superior system.

Mr. Rooker pointed out that the YMCA could have been located in a way that would have meant these fields wouldn't have been illuminated.

Mr. Slutzky said that he does not want to be weighing in on the City's master plan for the park.

Mr. Rooker commented that it would be wise to sit down and talk to the City about the possibility of changing the location of the YMCA, now that the expense of lighting the fields is known. He said that a decision to light Darden Towe now seems to make 75 percent of the decision to go ahead and light the park. He noted that at the time the City was redesigning the park he does not recall receiving a communication about the plan to eliminate three softball fields based upon a presumption to light Darden Towe.

At this time, the Chairman opened the public hearing.

Ms. Anne Powell addressed the Board on behalf of girls' softball. She said that she understands the cost implications and concerns of the neighbors, but wanted to explain why it's important to her and others. Ms. Powell said that her daughter was in 4th grade eight years ago and played softball for a recreation program in town, which she and her husband coached. She explained that they played on high school fields or at Melbourne Park – a muddy field with electric wires crossing it. Ms. Powell said that the Meadow Creek Parkway issue was to be decided and then the field would be developed, and she got involved with the recreation program board of directors, and progress was made. She noted that the high schools helped them use their fields, and the girls played at McIntire Park one day a week. The County parks maintained the Melbourne fields better. Ms. Powell said that they were at the mercy of high school schedules, used only porta-potties, and never had concessions. She stated that her daughter joined a league in another town that traveled around the state to fields made for girls' softball. Ms. Powell said that having lights would benefit the town financially and benefit girls and their families. Families in support of this position stood to show their support.

Mr. Rooker asked if there would be an advantage to lighting Darden Towe versus using McIntire's lighted fields. He made the point that the users would not end up with more fields.

Ms. Powell responded that it gives more opportunities for the girls to play, and opens up more playing time for girls.

Mr. Rooker emphasized that there will be fields lost in this plan.

Ms. Powell said that there is an unfair balance between boys, girls, and adult baseball/softball.

Mr. Michael R. Kane addressed the Board and said that the lighting at Darden Towe has a great affect for the County because it would draw more from a tournament perspective, and McIntire needs to be looked at again. He said that he was the president of girls' softball last year, and there were 170 girls in the program last year, but in a County this size, a rec. program should have 500+. Mr. Kane commented that there needs to be more than just school fields and existing County fields to use.

Mr. Tom Weaver addressed the Board, stating that he is a Key West resident and has lived in the County for 30 years. Mr. Weaver asked if all regional parks have lights, and Mr. Mullaney answered that they usually do. Mr. Weaver said that this is a rural park without lights, and the costs are probably going to be higher than the estimates.

Mr. Marc Powell addressed the Board, noting that he has coached recreational softball for the last eight years, including one of the Red Birds travel teams. He said that when they formed that team they had no idea they would have to travel to Richmond or Salem or other Cities to play on any given weekend.

Mr. Powell stated that they had hoped to play in their hometown once or twice a year, as it is time-consuming and expensive to travel. He said that the softball community has been trying to grow for many years but the field shortage has made this very challenging. UVA rarely recruits Charlottesville girls for their softball team. Mr. Powell said that he has had a dream to build a softball field, and he urged them to approve the lights for Darden Towe.

Mr. Fred Wineberg addressed the Board, stating that there will be a growing demand for girls' softball, generated in part by the Olympics. He said that it is best to start planning now for this demand, and he started the Red Birds program in Northern Virginia. He encountered the same situation related to lighting concerns and lack of fields. He said that the County will need more fields. Mr. Wineberg added that many girls who have played on his teams have been able to go to College because of softball, including his daughter.

Mr. Rooker asked how the fields at Darden Towe are set up for girls' play.

Mr. Wineberg said that there could be 200-foot fences set up, which the girls' softball league would pay for, and the high school fields are already set up this way.

Ms. Mala Cunningham addressed the Board, stating that lighting the fields at Darden Towe cannot be looked at as an isolated discussion, adding that lighting does not have to happen in that location. Ms. Cunningham said that she does not think it was good planning to consider destroying the fields at McIntire Park, and wondered what happened to that plan. She asked if there might be options to build a pool at Charlottesville High School, and also have lighted courts there. Ms. Cunningham said that she did not understand the dollar a year lease for McIntire Park, or the use of the Wheeler property.

Mr. Boyd clarified that the Darden Towe property was not part of the Wheeler property. It was owned by other people who sold it to the County and City. Mr. Slutzky noted that the City is in charge of the re-planning of McIntire Park.

Mr. Scott Hendrix addressed the Board, stating that he has two daughters that play softball, and said that whether or not the McIntire fields are lost there is insufficient capacity for softball in the area. He said that their summary lays out the high interest of participation by County residents in softball and the number of people who would be affected if the McIntire fields were lost and the lights were not installed. Mr. Hendrix pointed out that Cove Creek provides six fields, teams for over 500 participants, numerous travel, and is the biggest feeder for Monticello High School.

Mr. Bob Thomas addressed the Board, stating that the cost for the Darden Towe lights have gone up substantially. He also said that many people come out to watch and support the games, and there have been recommendations to make more use of Washington Park and the CHS girls' softball fields. Mr. Thomas stated that soft-ballers and citizens were never asked for input from the City, and many residents have been baffled and dismayed.

Mr. Chad Day, representing the Charlottesville Sports and Social Club, addressed the Board. He said that the softball teams pay \$600 a piece to play, and with 150 teams that's \$90,000 per year. Mr. Day said that his organization plays about \$25,000 per year and has been chased from park to park because they are losing their fields. He suggested that the YMCA be moved so that the McIntire fields are saved and there would be a state of the art facility. Mr. Day also said that the City softball league could grow if there were more fields and that would add even more money in fees.

Mr. Charles Hubbard addressed the Board, stating that he has been playing and coaching for the adult softball league for 30 years, including playing at Towe Park's field since the week they opened. He said that he supports the lighting at Towe Park, and in consideration of the potential growth of the softball leagues he thinks the overall capability to hold softball games must increase. Mr. Hubbard asked them to approve the resolution as presented.

Mr. Kurt Krueger, President of the YMCA, addressed the Board. He said that the YMCA at McIntire Park is not causing the fields there to be moved because the building will be located where the picnic shelters are in the depression across from the existing parking lot.

Ms. Clarabelle Wheeler addressed the Board, stating that she was born in the County and lives right next door to Darden Towe Park. She said that the YMCA building is not disrupting the softball fields, it is the multi-use recreational field that the City wants to build, which was not discussed with the County Board. She said that Darden Towe is in a rural area, and the citizens were guaranteed by a previous Board that there would not be lights. It is a rural area, and the people in the County don't want to see the lights. That is why they choose to live in the County. She pointed out that the YMCA is a private organization, and funding is being discussed. She understands that the YMCA will build the building only, and then others will be in charge of taking care of everything around it. The County is in financial crisis right now, and there is no money for things that are not necessities. If the YMCA were placed strategically at McIntire, the park could be left alone and we could have the same number or even increase the number of softball fields to accommodate anybody who wants to play, and still have a YMCA. She suggested putting the YMCA at a different location.

Ms. Paula Dunsmore addressed the Board, stating that she is speaking on behalf of the softball players. The game has won the hearts of many girls who play. She said that the need to light Darden Towe will remain regardless of what other fields are used.

Mr. Fritz Frankie addressed the Board, stating that there was a 20-game season when he was playing. He suggested lighting the fields and Darden Towe and Charlottesville, and keeping the fields at McIntire.

Ms. Molly Dunsmore, Ms. Devon ViA, and Ms. Mattie Morris addressed the Board, stating that they think McIntire should be kept because it is important to their futures. Ms. Dunsmore invited Board members to come to the tournament this weekend at Darden Towe.

Mr. Randy Page addressed the Board, stating that he has been approaching City Councilors about their choice for the YMCA site. He said that he had concerns about cost and the loss of two softball fields, and the cost has been underestimated for the 200 YMCA parking places.

There being no further public comment, the public hearing was closed and the matter was placed before the Board.

Mr. Rooker thanked the public for their comments, emphasizing that it is not up to the County to tell the City how to design and execute a plan for McIntire Park. He did say that approving the lighting for Darden Towe basically cements the decision to close down the existing fields at McIntire, and the two facilities would have only three fields – down from five – under this proposal. Mr. Rooker said that this has not been discussed with the City, and the decision with McIntire is impacting the County so it should be talked through with City Council.

Ms. Thomas stated that it would be helpful to have an explanation of why the McIntire fields are going, what is going to be there instead, and what alternative could be considered. She believes the Board is sitting in a vacuum, and might be in danger of making a decision without the facts they need.

Mr. Mike Svetz, Director of Parks and Recreation for the City of Charlottesville, addressed the Board, stating that the history is the YMCA was looking for 3-5 acres for their building, plus space for parking. Mr. Svetz said that parking and storm water are huge concerns, but the City narrowed it down to McIntire Park in order to locate it as close as possible to Charlottesville High School so students could walk there after school. He also reported that the urban forest along the bypass was deemed untouchable, and the little league fields would be protected. Mr. Svetz said that an RFP was issued and the ground lease was officially adopted – pending the outcome of a master plan – in the middle of December. He indicated that a master plan had to be completed by May 20, 2008, with a default location to be on the softball fields.

Mr. Svetz said that the Parks & Rec. Department felt like there needed to be community engagement to identify the best use of space, so they went through a series of meetings with an advisory board, an advisory team put together for the McIntire Park Master Plan, community meetings, and presentations to City Council. He reported that eight different locations were established in the study area that was then narrowed to four, and then one. Mr. Svetz said that parking was a major issue, and the community had a strong desire to that at Darden Towe. He also explained that the other issue was storm water, and on the surface the YMCA's building footprint would need to have creative mitigation plans in order to prevent runoff from going into Meadow Creek. Mr. Svetz said that a road configuration was also needed, and there was not enough room left in the park to keep the softball fields intact.

He added that there was enough space to keep a rectangular field, as sports that use those fields are on the increase too. Mr. Svetz pointed out that the YMCA was also in negotiation with UVA to build a competitive aquatics facility, and that building footprint ended up being as big as possible in the ground lease area but they are no longer in those discussions. He said that the YMCA will design a smaller facility and the City will work with them on a better site – site improvements will be determined at that time in terms of parking and storm water. Mr. Svetz added that if the parking can be configured adequately and storm water mitigation can be met and there is still enough space for softball fields, they will keep them. He explained that in 2006, City and County staff revisited the Darden Towe agreement – for several reasons including lighting – and it was agreed that because of the growth in the region, lighting would not be outright prohibited.

Mr. Svetz said that the YMCA issue has accelerated the issue of lighting Darden Towe, but had there not been any YMCA discussion, and had there not been any discussion with regards to McIntire Park remaining in terms of softball fields or not, we would still be talking about this issue in a couple of years because the demand is only going to increase.

Board members commented on how helpful his presentation was.

Mr. Boyd pointed out that he served on the Darden Towe committee and it was never expressly guaranteed that there would be no lights allowed there.

Mr. Rooker mentioned that the minutes of the meeting before the vote on lights quote Mr. Lindstrom as saying he doesn't think "anyone can guarantee the citizens that there will never be lights" and recommended to members of a negotiating committee that the agreement include a provision to allow for a public hearing if lights are to be considered.

Mr. Svetz pointed out that there is more detail with a site plan than with a master plan, and the City and County would be able to weigh in more at the site plan level. He said that the Parks and Recreation Advisory Board is waiting for the YMCA to begin design of their building, and at that point it would be advisable to do something jointly.

Mr. Slutzky commented that girls' sports are often shorted and it is important to consider that. He added that Darden Towe is in the growth area, but touches the rural area so residents are impacted by the lighting decision and he would like assurance that they would be full cutoff lights. He feels it is a fundamental decision about urban amenities, adding that it is a regional park in the designated growth area and the community is behind in providing recreation space for citizens. Mr. Slutzky said that he would likely support the issue of permitting lighting at Darden Towe Park, with funding being an entirely separate issue.

Mr. Boyd emphasized that this is not a decision that needs to be made tonight, as there is no money for this right now. He said that working towards girls' softball fields is a whole different endeavor, as shorter fields are required. Mr. Boyd mentioned proffered properties and possible use of parkland in Crozet as possible locations for these fields. He said that there is a moral obligation to the residents who were told there would not be lights at this location.

Mr. Mullaney said that as a department, they need to know for long-range planning whether or not the option of Darden Towe Park exists.

Mr. Boyd stated that it would have been helpful to have some kind of analysis on needs for girls' softball fields and options for them instead of just saying the McIntire fields are going to be lost so the Darden Towe fields need to be lighted.

Mr. Slutzky said that staff is coming to the Board for a signal as to whether lights at Darden Towe are a possibility.

Mr. Rooker said that it is a possibility, but he's not prepared to make that decision tonight. He said that it would be helpful to sit down with the City and look at master plans so what's going to be left for the community in terms of playing fields can be considered.

Mr. Dorrier suggested having two people from the City and two from the County come together on a committee to deal with these issues.

Mr. Rooker suggested using the existing Darden Towe Park Committee.

Mr. Slutzky added that perhaps they could consider the broader issue of recreational facilities.

Mr. Rooker said that he is not completely opposed to lighting the fields if that is the best way to meet a clearly demonstrated need for playing time in the community. He does not think the Board has the information necessary to make a decision which may cast in concrete the elimination of existing playing fields at McIntire.

Ms. Thomas agreed, and said that adopting this resolution tonight may be letting the decision about McIntire be made more quickly and with less thought. She mentioned that she visited a field outside of Seattle that was impossible to see until you got right up to it, and that could be done here as well.

Mr. Mullaney clarified that the recommendation would be for a long-range capital plan to suggest a lighting project for Darden Towe and discussion of why that would be needed as opposed to other alternatives.

Mr. Tucker added that if the cost for lighting is taken off the table, that would free up the possibility of acquiring additional fields

Ms. Thomas responded that SOCA was not allowed to put a field in the rural area.

Mr. Boyd said that he just wants to make sure that other options are explored as well.

Ms. Thomas described this as a last resort.

Mr. Rooker noted that making a decision to eliminate the two fields at McIntire would reduce the number of playing fields in the community.

Mr. Slutzky said that the City seems to have made this decision already.

Mr. Tucker noted that this would likely be in the capital plan for six to ten years, not one to five years.

(Note: At 7:55 p.m., the Board took a brief recess, and reconvened at 8:07 p.m.)

(Note: At this time, the Chairman suggested taking up Agenda Item No. 15.)

Agenda Item No. 15. **Public Hearing: To consider adopting resolutions supporting National Scenic Byway All-American Road designations (denoted by "AAR") and supporting Virginia Byways designation (denoted by "VB") for roads** identified herein: Rt. 20 N (Stony Point Road), from its intersection with Rt. 250 E to the Orange County line (AAR); Rt. 20, from the intersection of Rt. 20 N along that portion also considered part of Rt. 250 E to the City of Charlottesville city limits at Free Bridge (AAR/VB); Rt. 22, from Rt. 250 E to its junction with Rt.

231(AAR); Rt. 53, from the Fluvanna County line to its intersection with Rt. 20 (AAR/VB); Rt. 231, from Rt. 22 to the Louisa County line (AAR); Rt. 250 E, from Rt. 22 to Rt. 729 (Milton Road) (AAR/VB); Rt. 729 (Milton Road), from its intersection with Rt. 250 to its intersection with Rt. 53 (AAR/VB). If these roads are designated All-American Roads by the U.S. Dept. of Transportation, they will become part of the Journey Through Hallowed Ground Corridor from Gettysburg to Monticello and will be eligible for grant funding to support and enhance them. There are no land use restrictions placed on lands abutting designated roads other than on the installation of new signs advertising off-site uses and activities (billboards). (Advertised in the *Daily Progress* on October 6, 2008.)

Mr. Cilimberg offered to answer any questions, and presented a map of the larger corridor from Pennsylvania through Charlottesville, noting the roads that would be involved in the All-American Road designation, and includes some that staff is asking the Board to designate as state scenic byways. He said that 729 and 53 would be included, as well as sections of 250. He said he believes that the resolution covers it all.

Mr. Rooker commented that there was no impact on private property rights in the corridor, only related to sign restrictions, which were already regulated in the ordinance.

Mr. Boyd said that this issue was something that the Board took up last week, and they wanted to give the public an opportunity to weigh in on the item.

At this time, the Chairman opened the public hearing.

There being no one to come forward, the public hearing was closed.

Motion was offered by Mr. Rooker to adopt the Resolutions supporting a Virginia Byway designation for Route 53, Route 729 and portions of Route 20 and Route 250 and an All-American Road designation for Routes 20, 22, 53, 231, 729 and portions of Route 20 and Route 250 in Albemarle County. Mr. Slutzky **seconded** the motion.

Ms. Thomas commented that she appreciated the public hearing, even though no one from the public spoke.

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

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

NAYS: None.

ABSENT: Ms. Mallek.

(**Note:** The resolutions, as adopted, are set out in full below.)

RESOLUTION SUPPORTING VIRGINIA BYWAY DESIGNATION FOR ROUTES 729, 53 AND PORTIONS OF ROUTE 20 AND ROUTE 250

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation have determined that Route 729 (Milton Road) from its intersection with Route 250 to its intersection with Route 53, Route 53 (Thomas Jefferson Parkway) from the Fluvanna County line to its intersection with Route 20, the portion of Route 20 that is also part of Route 250 East from the intersection of Route 20 and Route 250 East to the City of Charlottesville city limits at Free Bridge, and the portion of Route 250 from the intersection of Route 22 to the intersection of Route 729 (Milton Road) qualify for designation as Virginia Byways; and

WHEREAS, each of these routes have relatively high aesthetic or cultural value, leading to or within areas of historical or natural significance; and

WHEREAS, the designation of a Virginia Byway offers opportunities for tourism and economic benefits to localities; and

WHEREAS, the designation of a Virginia Byway does not affect land use controls and road improvements; and

WHEREAS, the land along Route 729 and Route 53 is zoned Rural Areas and is designated as Rural Areas in the County's Comprehensive Plan and the portion of Route 20 identified herein is zoned for commercial uses; and

WHEREAS, the Rural Areas zoning does not allow for dense residential or commercial development and allows for uses such as agriculture, forestry and detached single family dwellings and the commercial zoned areas will not be adversely impacted by the designation; and

WHEREAS, the Journey Through Hallowed Ground Partnership has expressed its support for the designation of these routes as Virginia Byways.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County, Virginia, hereby supports the designation of Route 729 (Milton Road) from its intersection with Route 250 to its intersection with Route 53, Route 53 (Thomas Jefferson Parkway) from the Fluvanna County line to

its intersection with Route 20, the portion of Route 20 that is also part of Route 250 East from the intersection of Route 20 and Route 250 East to the City of Charlottesville city limits at Free Bridge, and the portion of Route 250 from the intersection of Route 22 to the intersection of Route 729 (Milton Road) as Virginia Byways; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Albemarle County requests that the Commonwealth Transportation Board take all necessary actions to effect a designation of these routes as Virginia Byways.

**RESOLUTION SUPPORTING
THE U.S. DEPARTMENT OF TRANSPORTATION'S FEDERAL
HIGHWAY ADMINISTRATION "ALL-AMERICAN ROAD" DESIGNATION
FOR ROUTES 20, 22, 53, 231, 250 AND 729**

WHEREAS, the United States Congress approved legislation in May 2008 to create The Journey Through Hallowed Ground National Heritage Area; and

WHEREAS, this legislation creates a National Heritage Area corridor that includes Routes 20, 22, 53, 231, 250 and 729 from Thomas Jefferson's Monticello in Charlottesville north to Gettysburg, Pennsylvania; and

WHEREAS, designation of the Journey Through Hallowed Ground as a National Heritage Area, and Route 20 North (Stony Point Road) from its intersection with Route 250 East to the Orange County line, the portion of Route 20 that is also part of Route 250 East from the intersection of Route 20 and Route 250 East to the City of Charlottesville city limits at Free Bridge, Route 22 from Route 250 East to its junction with Route 231, Route 53 (Thomas Jefferson Parkway) from the Fluvanna County line to its intersection with Route 20, Route 231 from Route 22 to the Louisa County line, the portion of Route 250 East from the intersection of Route 22 to the intersection of Route 729 (Milton Road) and Route 729 (Milton Road), from its intersection with Route 250 East to its intersection with Route 53, as All-American Roads within the National Scenic Byways Program, will help support the four-state public/private partnership that has been developed to promote and celebrate the historical and cultural resources along the route; and

WHEREAS, designation of the County as a National Heritage Area and Routes 20, 22, 53, 231, 250 and 729 as All-American Roads will make federal funds available to government entities located along this corridor for the purposes of developing tourism, preservation and enhancement of historical sites and battlefields; and

WHEREAS, designation of the County as a National Heritage Area and Routes 20, 22, 53, 231, 250 and 729 as All-American Roads is consistent with the principles, goals and objectives of the County's Comprehensive Plan to protect the County's natural, cultural, historic, and scenic resources; and

WHEREAS, the designation of the portion of Route 20 that is also part of Route 250 East from the intersection of Route 20 and Route 250 East to the City of Charlottesville city limits at Free Bridge, Route 53 (Thomas Jefferson Parkway) from the Fluvanna County line to its intersection with Route 20, the portion of Route 250 East from the intersection of Route 22 to the intersection of Route 729 (Milton Road), and Route 729 (Milton Road) from its intersection with Route 250 East to its intersection with Route 53, as All-American Roads is contingent upon them being designated as Virginia Byways by the Virginia Commonwealth Transportation Board.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the designation of Route 20 North (Stony Point Road) from its intersection with Route 250 East to the Orange County line, the portion of Route 20 that is also part of Route 250 East from the intersection of Route 20 and Route 250 East to the City of Charlottesville city limits at Free Bridge, Route 22 from Route 250 East to its junction with Route 231, Route 53 (Thomas Jefferson Parkway) from the Fluvanna County line to its intersection with Route 20, Route 231 from Route 22 to the Louisa County line, the portion of Route 250 East from the intersection of Route 22 to the intersection of Route 729 (Milton Road) and Route 729 (Milton Road), from its intersection with Route 250 East to its intersection with Route 53, as All-American Roads within the National Scenic Byways Program.

Agenda Item No. 11. **Public Hearing: PROJECT: SP-2007-01. Four Seasons Learning Center. (Signs #10&28).**

PROPOSED: Amend special use permit to increase maximum number of children in daycare from 40 to 64. No residential units proposed.

ZONING CATEGORY/GENERAL USAGE: PUD Planned Unit Development which allows residential (3-34 units per acre), mixed with commercial and industrial uses.

SECTION: 20.3.2.1, which allows for child care facilities.

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential (6-34 units/acre) in Neighborhood 1.

ENTRANCE CORRIDOR: No

LOCATION: 254 Lakeview Drive, at the corner of Four Seasons Dr and Lakeview Dr.

TAX MAP/PARCEL: 61 X1, Parcel 5.

MAGISTERIAL DISTRICT: Rio.

(Advertised in the *Daily Progress* on September 22 and September 29, 2008.)

Mr. Cilimberg reported that the request is to increase the maximum number of children from 40 to 64 children, and there are neighborhood concerns about the on street parking that creates conflicts with residences, as well as a staff-observed safety concern at the intersection of Lakeview and Four Seasons for their entrance where there is barely enough site distance. VDOT has confirmed that the intersection does meet an acceptable level of service, although County staff has concerns with the site distance. Mr. Cilimberg reported that any addition to the enrollment will increase traffic and generate additional parking needs. On the other hand, there are concerns of current clients that there will be an increase in rates if enrollment numbers do not increase. This facility is providing affordable daycare, which is a community benefit and another matter for the Boards consideration.

Mr. Cilimberg said that the Planning Commission had a hearing on this in June, but did not make a decision because they needed additional traffic information. At the August 19 deferral date, the Commission made the decision to recommend 50 students instead of 64. They felt that number lessened the impact of the growth of the school. There was a stipulation of all staff parking on-site. He reported that staff recommended denial of this request because of concerns related to impact, as it was viewed to be at the tipping point of a proper fit in a residential area. Mr. Cilimberg said that the Commission recommended approval of 50 students with conditions. Staff modified condition number 6 to further reflect their intent to stipulate on-site parking. This condition is intended to relieve the impact of employees parking on the street.

Mr. Slutzky asked if there is any strategy to actually enforce this condition.

Mr. Cilimberg replied that the strategy is that the employee spaces on-site will have to be designated. He clarified that the conditions limit parking spaces to no more than eight, with signage provided onsite to designate employee spaces. He said this condition will have to be self-enforcing or complaint-driven.

Mr. Boyd asked if the County can legally tell people where to park.

Mr. Cilimberg said that the street locations are public, but the way staff determines whether a project has adequate parking is to only count the parking spots that are in front of the facility on the public street as meeting their parking requirements. Staff cannot restrict them.

Mr. Boyd said the number of parking places is not the issue. He asked if there were sufficient parking places.

Mr. Rooker said there are only sufficient parking spots if you count the ones on the street.

Mr. Cilimberg said that at this point in time, with 50 students and no more than 8 employees, there are enough parking both on street, a drop off spot on the site, and enough for the all day employees. Having 64 students would likely require the school to arrange offsite parking because of employee growth.

Mr. Rooker asked if at 50 students, they needed street parking now. Mr. Cilimberg answered "yes".

Mr. Cilimberg added that there are other conditions that are included based on whether there is only an office there, which is another allowable use under the original special use permit. Also, there are conditions that address any use of the property.

Mr. Rooker asked if there is any limit on the number of employees that could be there if the building were used as an office.

Mr. Cilimberg answered that the maximum number of employees would be ten.

Mr. Rooker pointed out that an office space was the original use of the property.

Mr. Cilimberg said that the applicant has nine spaces on-site. Staff's reason for suggesting no more than eight for the employees is that they need to keep a space for drop off of students on-site.

Mr. Cilimberg offered to answer additional questions from the Board at this point.

Mr. Slutzky said if the applicant was asked to keep their eight employees on site with nine parking spaces, and they happen to have two drop offs at the same time that would force the applicant into a crowding condition.

Mr. Cilimberg answered that one of the drop off's could be a parent parking off site and walking the child to the center.

At this point, Mr. Boyd asked if the applicant would like to address the Board.

The applicant's representative, Mr. John Simpson addressed the Board, stating that the community needs daycare and Four Seasons provides an affordable option for families, with costs at about \$40 per month less per child compared to other centers. He explained that the location is right on the corner of Lakeview and Four Seasons Drive, but the balance of the remainder of Four Seasons Drive is relatively high-density mixed use, commercial, office, retail, ACAC, etc. They have provided traffic studies as part of the application. He said he feels there has been an exaggeration about the impact of

the traffic. He said one summary said that 24 additional children would generate an additional 120 trips per day.

Mr. Rooker said that it was later clarified that whenever somebody arrived, it was counted as two trips. He said that would cause about 4 trips, so the actual number is 96, not the estimated 120 trips per day. Mr. Simpson said that is correct.

The second time they were in front of the Planning Commission, the figure was doubled. Because of this, he had his client videotape the peak hours of traffic, and there are no cars backed up at Lakeview Drive and at most there are five cars in the school parking lot at any given time. He does not see this as a traffic problem. He also mentioned that the Charlottesville Day School recently increased their enrollment from 85 to 250, and the traffic study they did for the special use permit predicted an increase of 175-200 extra vehicles during the peak hours. The staff report for that application indicated that even that level of increased traffic would not generate a measurable impact.

Mr. Simpson pointed out that the applicant is asking for an additional 17 trips during the peak hour, and does not understand why that is a concern, especially when you compare this project with the Charlottesville Day School numbers.

Mr. Rooker said that he sees the issue as being the traffic on Lakeview Drive, and noted that the Charlottesville Day School has a dedicated entrance, and does not use a residential street.

Mr. Simpson said that if the location of the center was interior on the street, that may be a more significant concern, but the reality is that it is right on the corner. He said there could be a possibility that other cars may travel down other parts of Lakeview Drive, but there is really no reason for them to do that. The video showed no one going down Lakeview Drive, there was always parking available in the parking lot, so there would be no reason for them to turn around and go all the way down to the end of the cul-de-sac. The impact on the residents is negligible.

Mr. Simpson said that regarding parking, they need seven staff for 64 students with six parking spots for daycare which is one per 10 children. He reported that there are nine parking spots on-site, with four adjacent to the property. The problem with the parking restrictions that have been proposed by the Planning Commission is that they wanted to compromise with some of the neighbors that do not want the day care to increase in size, so they required all the staff to park on site. There are nine spots on site, and that would obviously reduce the on-site parking that is available for parents to drop off their children. That raises concern, primarily because that will put parents in the position of having to stop on the street and take the children on the street to walk to the facility. Mr. Simpson said that a pick-up and drop-off area on site is required in the County Code for daycare and childcare facilities. That is an important safety concern. He believes that the safety of children should have priority here. A car parked in the street is a car parked in the street, and it should not matter if it is a parent parking there or a staff person parking there. He does have an issue with restricting the parking as proposed.

Mr. Simpson expressed concern about condition 2 in the report requiring his client to submit a site plan, noting that the center has already been through a long process with the Planning Department and the Board of Zoning Appeals over the site plan for this property. The site plan was approved in 2000. In 2007, the site was brought into compliance with the way it was currently configured, and no changes have occurred since then. He reiterated that there are no physical changes to the property. His concern with having his client go through the process and submit a site plan under the current regulations is that the County knows that the site plan that has been approved is under the old regulations. For example, the parking spaces that are currently there would not comply with the current regulations. There is nothing to be gained by a new site plan. He concerned that this might be a technique that the Planning Department is using to not allow the increase in children.

Mr. Slutzky asked if the parking requirements could be met if they did not comply with the current rules.

Mr. Simpson replied that the spaces at the school do not comply with the current ordinance because they are not wide enough. The applicant just told Mr. Simpson that they are in fact in compliance, and he is not sure at this point. His concern is still that the original site plan was approved by the County and that is how the parking is configured now. He does not want to end up in a legal limbo if the plan is compared to what would be in compliance today.

Mr. Slutzky said his question was that if they were subjected to the current requirements, would they lose the one parking spot in the back that looks very skinny, and the question is would the applicant lose another from the remaining eight?

Mr. Simpson replied he does not think they would lose any, because under the Code he believes they are grandfathered in.

Mr. Ron Higgins, Chief of Zoning, said that the applicant would not lose any parking spaces because it is existing parking from an approved plan. The County is asking the applicant to document that and the increase in students and the increase in parking requirement. He stated that the current parking spaces do meet the size standard, but the one right up against the building crosses the back-up area. For that reason, a plan like that would probably not be approved today.

Mr. Boyd asked why County staff is asking for a new site plan. He does not understand that.

Mr. Higgins explained that the County Code says that changing or expanding a use that generates additional parking requirements facilitates the need for a new site plan. Mr. Higgins said that staff suggested that the applicant provide an as-built plan. The as-built plan builds in waivers by the agent of anything that is not applicable, which would be virtually everything physical. County staff is looking for an accurate, as-built site plan that documents the number of students and spaces, and indicates the spaces on the street that are counted.

Mr. Slutzky said he is still grappling with scale in the neighborhood. If this item were coming to the Board today for the first time, he wanted to know if they would have adequate parking under the new requirement. To him, it sounds like that with the one spot lost, it would be adequate.

Mr. Higgins also pointed out that this set up is a loop system, there is a two driveway access.

Mr. Boyd said that he does understand why a new site plan is needed when all they are doing is adding students. It seems like a technicality.

Mr. Higgins replied that the Code allows the County to waive a site plan or elements of a site plan, but does require a site plan if parking requirements are increased. In this case, the new student and staff numbers would create a need.

Mr. Rooker emphasized that the additional parking is off site, and the configuration on site is not being changed at all.

Mr. Cilimberg noted that the plan of record does not reflect the number of students being requested here, and that is one of the things being submitted in a new as-built plan.

Ms. Thomas said that the numbers seem to be related to the action the Board takes tonight.

Mr. Cilimberg stated that the number on any resubmitted as-built site plan would reflect the Board's action tonight.

Mr. Higgins explained that what the applicant would do would be shown on an as-built plan, which is essentially the same thing as a site plan. The as-built is in fact more accurate than a site plan. A site plan is a representation of what is there, and is not an accurate drawing. Staff would simply like to document everything on the as-built survey. This is not the same as creating an entire new document.

Mr. Tucker added that the survey, which is in the Board's packet, would essentially just need to be updated.

Mr. Higgins mentioned that the applicant could make addition to that drawing that would comply with the site plan requirements of the ordinance, minus the things that would be waved that are not applicable due to the lack of physical construction that would take place on the site. Staff would like a clear, accurate, up-to-date, and correct, document so that it can be enforced.

Mr. Simpson said that should not be a problem for the applicant.

Mr. Simpson said they have an objection to condition 3, which limits the enrollment to 50 students. The applicant also does not agree with condition 6, which requires employees to park on site. That condition dovetails into part of condition 7 which requires parking to be designated or signage for employees on the property. The other conditions are acceptable.

Mr. Boyd said that earlier, Mr. Simpson mentioned that there were state standards the applicant had to adhere to as far as a certain number of teachers depending on the number of children. Mr. Simpson clarified that that number is seven.

Mr. Simpson explained that there are state daycare licensing requirements for the number of employees needed for the number of students. The state licensing authorities have said that the facility can accommodate 79 children.

Ms. Thomas asked how many employees there are today. Mr. Simpson answered that there are five per shift. Ms. Thomas said that she observed for some time there, and noticed there were six cars parked there. She assumed there were five staff people plus the director.

At this time, the Chairman opened the public hearing for comments.

Ms. Lauren Root addressed the Board, stating that she is the Director of Four Seasons Learning Center and a Pre-K teacher. Ms. Root said that the need for childcare has increased in the area, as there are not enough centers in the area to accommodate recent growth. She presented a list of people who had called in the last few months who had asked to be placed on a waiting list, and the list does not include callers who need daycare immediately. Ms. Root stated that the center offers quality, affordable childcare in a clean, nurturing environment conducive to learning. She said that the present owners have upgraded the building and modified the classrooms; it is acceptable for 79 children but they are not asking for that. Ms. Root pointed out that in 10 years of operation, no accidents have occurred inside the building or the parking lot. She said that neighbors park in front of the school instead of in their own driveway.

Ms. Martha Wood addressed the Board, stating that she lives at 264 Lakeview Drive. She said she has no doubt that the learning center offers fine quality daycare and there is a need for it in the

community, but this has to do with increasing the size of enrollment and the traffic associated with expansion. Ms. Wood said that a parent yesterday parked in front of the no parking sign on Four Season Drive to walk his child into the center, and asked the Board to deny the special use permit as staff recommends.

Ms. Jan Sprinkle addressed the Board, stating that she is a 21-year resident of Lakeview Drive. She said that when the school started there were 32 children and it fit the neighborhood well, with no problems. Since the current management took over, she said, they have more than doubled the size of the building and the site has been in construction for seven years – having to rebuild an addition to comply with the site plan. Ms. Sprinkle reported that the State's Social Services website shows many violations that the school has been cited for – both County and State regulations. There is no guarantee that the school will comply with any restrictions the Board imposes. She said that the center has been hard on the neighborhood. She said that she appreciates the need for additional daycare, but this residential area is not the place for an expanded center. Ms. Sprinkle said that a special use permit should be an exception granted in an area that can accommodate it, and asked the Board to deny the application.

Ms. Linda Terry of 261 Lakeview Drive addressed the Board. She said that she supports the previous speakers and asked the Board to deny this permit.

Ms. Geraldine Robinson of 263 Lakeview Drive addressed the Board, stating that her home is right across the street from the learning center – every car makes a turn in front of her house. She said that if she wanted to sell her house, it would be valued less because of the constant turnaround in front of her property.

Mr. Rafael Columba addressed the Board, emphasizing the need for affordable childcare in the area. He also said that the Board has all the facts and the law stipulates how many students are permitted at the school.

There being no other comments, the Chairman closed the public hearing.

Mr. Simpson readdressed the Board, stating that visiting the site makes a huge difference, as the school has little impact on the surrounding neighborhood. He said that the traffic issue has been exaggerated, and that is why he provided the video tape. Mr. Simpson stated that if the enrollment cannot be increased, prices will have to go up.

Mr. Rooker commented that the school probably charges what the market will bear.

Mr. Simpson noted that the school is about 20 percent less expensive than similar centers.

There being no further public comment, the matter was placed before the Board.

Mr. Slutzky said that this is difficult for him to consider, as the need for affordable daycare is significant, and the school does an excellent job. However, he visited the site and it is dangerous to try to pull out of Lakeview Drive because of the line of site. He stated that given that, and the concerns expressed by neighbors, he cannot support this application.

Mr. Boyd agreed that this is a difficult decision, but there is an undeniable need for daycare in the community. He said that he has received a number of letters from parents, and he would be willing to allow 64 students at the school. Mr. Boyd stated that he did not observe a lot of traffic in the video provided by the applicant.

Mr. Dorrier commented that he knows this area and knows that traffic is a serious issue, adding that keeping the cap at 40 students is necessary.

Ms. Thomas said that Lakeview Drive is a tight urban cul-de-sac, and the school at its current size is the right fit for the neighborhood.

Mr. Rooker stated that he jogs by here every week, and there is a difference between a place that fronts on Four Seasons Drive and a place that fronts on Lakeview. He commented that staff got it right when they said that a larger daycare enrollment would create a use that is out of scale with this part of the Four Seasons development.

At this time, Mr. Slutzky **moved** to deny SP-2007-001 Four Seasons Learning Center. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: Mr. Boyd.

ABSENT: Ms. Mallek.

Agenda Item No. 12. **Public Hearing: PROJECT: SP-2008-020. Airport Office Center. (Signs #40&43).**

PROPOSED: Special use permit request for stand alone parking.

ZONING CATEGORY/GENERAL USAGE: CO - Commercial Office: offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

SECTION: 23.2.2(4) Stand alone parking and parking structures (reference 4.12, 5.1.41).
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes.
LOCATION: The southern end of Business Park Access, approximately 150 feet south of its intersection with Airport Road (SR 649).
TAX MAP/PARCEL: Tax Map 32 Parcel 48.
CONCURRENT PROJECT: SUB20080092.
MAGISTERIAL DISTRICT: Rio.
(Advertised in the *Daily Progress* on September 22 and September 29, 2008.)

Mr. Bill Fritz, Chief of Current Development, addressed the Board, stating that this request is to allow offsite parking for a property at Airport Road and Dickerson Road. He presented a visual depiction of the location, noting that the property is zoned commercial with the adjacent property zoned residential. Mr. Fritz said that in 1989, there was a site plan approved to authorize construction of a building on the parcel, and this proposal would allow a subdivision to be separated off from the property and sold for development. Because there is no building on parcel B, he said, a site plan is required because the parking will not be serving a primary use on parcel B. Mr. Fritz stated that staff recommends approval and has no recommended conditions for the application. The Planning Commission unanimously recommended approval with little discussion.

At this time, the Chairman opened the public hearing.

Mr. Tom Gale addressed the Board on behalf of the applicant and offered to answer questions.

There were no questions for Mr. Gale.

There being no further public comment, the public hearing was closed.

At this time, Mr. Slutzky **moved** to approve SP-2008-020 as recommended by staff for stand alone parking in accordance with Section 18-4.12.11. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Mallek.

Agenda Item No. 13. Public Hearing: PROJECT: SP-2008-047. Stony Point Fire Department Addition (Sign #95).

PROPOSED: Amend SP-2007-13 to increase size of outbuilding for storage and office uses approved for the expansion of Stony Point Fire Station.

ZONING CATEGORY/GENERAL USAGE: VR - Village Residential: agriculture, compact residential (0.7 unit/acre); EC - Entrance Corridor: Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

SECTION: 12.2.2.3, Fire and rescue squad stations (reference 5.1.09).

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre).

ENTRANCE CORRIDOR: Yes.

LOCATION: 3827 Stony Point Road (Route 20), 0.2 miles south of intersection of Route 20 and Route 600.

TAX MAP/PARCEL: Tax Map 48 Parcel 18D.

MAGISTERIAL DISTRICT: Rivanna.

(Advertised in the *Daily Progress* on September 22 and September 29, 2008.)

Mr. Cilimberg reported that the Planning Commission recommended approval of this SP last night, and explained that the fire department needs a larger approved square footage for their outbuilding than what was approved in the SP a year ago. He said that they have found an outbuilding at a lower cost per square foot than what was initially approved, and it would be located in the same area approved with the original SP. Mr. Cilimberg noted that staff has found no unfavorable factors and recommends approval, adding that the condition addresses the full site and not just the outbuilding.

At this time, the Chairman opened the public hearing.

Mr. John Vermillion, President of the Board of Stony Point Fire Company, addressed the Board. He said that the fire company is growing and they have a lot of enthusiastic members that will benefit from this addition.

Mr. Ted Armentrout commented that the staff report indicates there are seven undeveloped acres behind the fire station – adjacent to school property – that would easily accommodate two lighted softball fields.

Ms. Thomas noted that it would also accommodate a cistern to catch water to fill tankers.

Mr. Neale Craft of the Office of Facilities Development addressed the Board, stating that they have been working for quite some time with Stony Point on this station, and a plan for water collection would be included in the plan for this site.

There being no further public comment, the public hearing was closed.

Motion was offered by Mr. Boyd, to approve SP-2008-047, subject to the one condition recommended by staff. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

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

- 1) The size and location of the fire station and related improvements on the property shall be in general accord with the conceptual plan entitled "Conceptual Plan SP 2007-13," prepared by Thomas B. Lincoln Land Surveyor, Inc., dated 3/22/07, revised by the applicant and received 9/3/08, provided that the outbuilding identified as the "Proposed Change" to the originally identified "Proposed 26' x 46' Outbuilding" shall be no more than two thousand (2,000) square feet in size.

Agenda Item No. 14. **Public Hearing: PROJECT: AFD-2008-004. Free Union Agricultural and Forestal District.**

PROPOSED: Review of the Free Union Agricultural/Forestal District: Periodic (10-year) review of the Free Union Agricultural/Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as Tax map 7, parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C; Tax map 16, parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 38, 39, 52B1, 52B2, 54; Tax Map 17, parcels 8, 8B, 8C, 17C, 18H, 20A2, 22, tax map 29, parcel 1H (part). The district includes a total of 1,401 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Advertised in the *Daily Progress* on September 22 and September 29, 2008.)

Mr. Cilimberg reported that this district is roughly 1,400 acres west of Free Union, within the South Fork Rivanna River watershed. He explained that there have been some withdrawals from the district, which would lower the acreage to about 1,268 acres; the Sanders property will be developing a farm winery and didn't want the district to have an impact on their plans but do plan to rejoin after the winery is up and running. Mr. Cilimberg said that there was no reason given for the Ellertson property; the McIntosh property is intending to do some subdivision for family members – about 20 acres out of the total; then rejoin with the residue property. He stated that the Commission has recommended renewal of the district for a ten-year period, and staff concurs.

Ms. Thomas asked if letters still go out to adjoining properties when a district is up for renewal, in an attempt to get them to join.

Mr. Cilimberg replied that it is not currently being done now but it could be.

Ms. Thomas commented that it is a lost opportunity if they do not send the letters.

Mr. Cilimberg said that there is a staffing issue, particularly related to taking inquiry calls, but Community Development could certainly take up sending out the letters. He also confirmed for Mr. Rooker that there was a Q & A packet for landowners at one time.

Mr. Slutzky suggested that Mr. Cilimberg ask Scott Clark to put a note in the Board packets, or send an email, related to what the practice is now.

At this time, the Chairman opened the public hearing. There being no public comment, the public hearing was closed.

Motion was offered by Mr. Slutzky to adopt An Ordinance (Ordinance No. 08-3(3) to amend Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, of the Code of the County of Albemarle, Virginia, by amending Sec. 3-213 Free Union Agricultural and Forestal District. The motion was **seconded** by Ms. Thomas.

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

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

(Note: The ordinance, as adopted, is set out in full below :)

ORDINANCE NO. 08-3(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending: Sec. 3-213 Free Union Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Division 2. Districts

Sec. 3-213 Free Union Agricultural and Forestal District.

The district known as the "Free Union Agricultural and Forestal District" consists of the following described properties: Tax map 7, parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C; Tax map 16, parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15E, 15G, 16B, 17, 26, 30B, 36, 52B1, 52B2, 54; Tax Map 17, parcels 8B, 8C, 17C, 18H, 20A2, 22, tax map 29, parcel 1H (part). This district, created on September 21, 1988 for not more than 10 years and last reviewed on October 8, 2008, shall be next reviewed prior to October 8, 2018.

(Code 1988, § 2.1-4(m); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08)

Agenda Item No. 16. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas reported that the Board would be getting an e-mail link to the questionnaire created by the South Fork Rivanna Reservoir Task Force, and they would like to get this distributed as widely as possible. She encouraged Board members to send it to their mailing lists.

Mr. Boyd noted that he and Mr. Slutzky would be attending a regional CAAR meeting tomorrow.

Agenda Item No. 17. Adjourn.

At 9:31 p.m., with no further business to come before the Board, Mr. Rooker offered **motion, seconded** by Mr. Slutzky, to adjourn to October 22, 2008, 7:00 p.m., Room 241, for a joint meeting with the ACFRAB. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Mallek.

Chairman

Approved by Board of Supervisors

Date: 01/07/2009

Initials: EWJ
