

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 14, 2010, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 6:01 p.m., by the Chair, Ms. Mallek.

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

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

Ms. Mallek stated that, as part of a kickoff celebration of the 40<sup>th</sup> anniversary of Virginia's Scenic River Program, she paddled on the Rivanna River on Saturday. This gave her a whole new view of a great recreational activity that is not being used very well right now. She encouraged Board members to focus on promoting the River as a recreational and economic resource.

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Mr. Thomas said that on Sunday he saw the Scottsville resident who had previously sent a letter to Board members regarding closing of the Scottsville Library; he assured him that no libraries were proposed to be closed.

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Mr. Boyd mentioned a letter Board members received regarding funding for the YMCA. He commented that \$1.25 million was removed from the Capital Improvements Program. It is not a \$3.25 million expenditure as the addition of a competition pool has been dropped from the proposal.

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Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Liz Palmer, a County resident, said she was present to alert the Board about a story that has been circulating regarding the area's future long-term water supply plan. She recently attended an event where an area geologist spoke about groundwater availability in Albemarle County and work he did for Advocates for a Sustainable Albemarle Population. It is the geologist contention that the area of the County that abuts the Shenandoah National Park is rich in groundwater. He believes that it is reasonable for the Rivanna Water and Sewer Authority (RWSA) to consider groundwater as one of the possible alternatives for the area's long-term water supply needs. Ms. Palmer stated that the geologist explained that at least 100 wells would need to be built and drilled in the area and that a significant portion of the future water needs could be met. Although she respects this geologist knowledge, she has several things to say about this idea as opponents to the Water Supply Plan are likely to embrace it and approach Supervisors individually.

Disregarding the fact that the community has an approved Water Supply Plan that it has been working on for 15 years and spent millions of dollars of ratepayers money to develop, she said that there is already a natural distribution system that brings groundwater from the western portions of the County to the urban area – the South Fork Rivanna River watershed. The river system drains the eastern side of the mountain of groundwater year-round. Ms. Palmer explained that groundwater percolates up in springs to make up the river's base flow, which is augmented by seasonal rain and snow melt; the SFRR system drains 260 square miles of the County without the help of drills, well pumps, or pipes – and without acquisition and maintenance of easements. She emphasized that there is not a water shortage, and more sources are not needed – as only three to four percent of water that reaches the Reservoir is used with the rest going over the dam. What is needed is more storage space to get us through the dry summers. The community is lucky to have the Ragged Mountain Reservoir; it is a natural bowl sitting on a 1.8 square mile watershed. She stated that the dam is over 100 years old and for public safety reasons must be replaced – so it makes sense to enlarge it in the process, as it is close to a treatment plant and provides a public amenity for fishing and recreation close to town. Ms. Palmer said that the new pipeline from South Fork to Ragged Mountain, which replaces the Sugar Hollow pipeline, will allow for faster, more efficient filling and will bring greater efficiency and redundancy to the system by connecting the two treatment plants.

Ms. Palmer commented that there have been many suggestions and demands made by opponents of the approved plan in the last couple of years. The City Council has been kept busy responding to requests for additional studies. She said that groundwater development in the rural areas may turn out to be the next on the long list of maneuvers to "Meadow Creek" the community water supply plan." Ms. Palmer stated that there is an excellent long-term water supply plan that protects the rivers while providing adequate water for future population and economic activity. Ms. Palmer said the residents should remain proud of our community's achievement in developing this long-term plan.

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Mr. Edward Brooks said he lives in Southern Albemarle, is a native of Southern Albemarle and was a product of the Albemarle County School system. He has worked in Corporate America and he also serves on the Albemarle-Charlottesville Budget Review Team – which makes recommendations to the Board each year as part of funding social services agencies. He has some experience with looking at efficiencies. Mr. Brooks said that he is generally supportive of keeping the tax rates the same because of the residents he enacts with in Southern Albemarle. He is also aware that maintaining the tax rates the same impacts the Capital Improvements Program. With that being said, he is not sure where things stand with the sharing of principals in the smaller schools and there is some “lack of clarity” as to what will be done. He emphasized that the one thing that is clear is the lack of understanding as to what a “world class” school system is, and perhaps these two bodies could get together to determine what kind of indicators support that premise. Mr. Brooks said that having very good individual schools doesn’t necessarily mean the entire system is that way, and it is important that both boards have a consistent message to the public.

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Rooker to approve Items 6.1 and 6.2 on the Consent Agenda, and to accept the remaining items as information. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 6.1. Approval of Minutes: February 3, 2010.

**By the above-recorded vote, the Board approved the remaining portion of the minutes of February 3, 2010, pages 39 (beginning with Item #10) – end, as read.**

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Item No. 6.2. Resolution to accept Hickman Road into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution as requested by the County Engineer:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 14<sup>th</sup> day of April 2010, adopted the following resolution:

#### RESOLUTION

WHEREAS, **Hickman Road**, as described on the attached Additions Form AM-4.3 dated **April 14, 2010**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add **Hickman Road**, as described on the attached Additions Form AM-4.3 dated **April 14, 2010**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements; and

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

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

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

- 1) **Hickman Road (State Route 1316)** from the intersection of Route 1117 (State Farm Boulevard) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1485, page 406, with a 60-foot right-of-way width, for a length of 0.30 miles.

Total Mileage – .30

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Item No. 6.3. Copy of letter dated March 15, 2010 from Ronald L. Higgins, Chief of Zoning, to Jay M. Courage, Managing Member, Fairway Drive LLC, **re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 80, Parcel 61A (property of Fairway Drive LLC) Rivanna Magisterial District, was received for information.**

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Item No. 6.4. 2009 Annual Report of the Board of Zoning Appeals.

The following memorandum, dated April 6, 2010, from Amelia G. McCulley, Zoning Administrator, was received for information:

“State Code Section 15.2-2308 requires the Board of Zoning Appeals (BZA) to keep a full public record of its proceedings and to submit a report of its activities to the governing body. The full 2009 annual report is attached for your information.

The Board of Zoning Appeals hears variances from the Zoning Ordinance, special use permits for certain sign types, and appeals from decisions of the Zoning Administrator or her designee. These appeals can include determinations of zoning violation.

The number of appeals in 2009 increased by 4, from 7 received in 2008 to 11 in 2009. Three were affirmed, two were withdrawn, one was moot, one was dismissed as untimely, and two were deferred by the Board. There are four appeals still pending by applicants' request (including one from 2007 and one from 2008).

The number of variances in 2009 decreased by 2, from 11 in 2008 to 9 in 2009. Of the nine, three were approved, three were denied, one was deferred indefinitely, and one was void. One variance is still pending.

The number of special use permits for off-site signs decreased by 1, from 3 in 2008 to 2 in 2009. Both applications from 2009 were approved, but one is still pending from 2008.

The following Circuit Court cases are still pending as of December 31, 2009:

1. Paul Begin, et al. v. Board of Zoning Appeals and Planned Parenthood: Appeal of use determination.
2. Scott W. and Caroline F. Watkins v. Board of Zoning Appeals: Appeal of determination of zoning violation.
3. Ellen Hawkins v Board of Zoning Appeals: Appeal of determination of zoning violation.
4. Rickey Lee Baumgardner, Donna G. Baumgardner and Crown Motorcar Company, LLC v Board of Zoning Appeals: Appeal of determination of zoning violation.
5. T.E. Wood and Mahmood Pashazadeh v Board of Zoning Appeals: Appeal of determination of zoning violation.”

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**NonAgenda. Presentation: Internet Crimes Against Children (ICAC) Program.**

Ms. Camille Cooper said present with her are two investigators with the Southern Virginia Internet Crimes Against Children Task Force. She said that the Albemarle County Police Department has a Memorandum of Agreement with this Task Force, and works in cooperation with them.

Mr. Steve Anders, of the Bedford County Sheriff's Office and member of the Task Force, said they coordinate the task force for most of Virginia, south of Culpeper. Mr. Anders said the task force deals with a “reprehensible subject” which will be discussed as part of the PowerPoint presentation. Mr. Anders stated that child pornography is sexually explicit images and videos of children. Just doing a public search of “3 y.o.” brings up many files of children being exploited. There is no finding this information accidentally. You have to know what you are looking for to find these files and to download them. He said that the vast majority of child pornography contains pre-pubescent children between 6 and 12, with 39% of images involving children of 3-5 years old, and 19% being images of children under 3. They are finding the under 3 more prevalent because those children cannot talk about what is being done to them, nor do they know how to describe it. Mr. Anders said that 80% of the images involve sexual penetration, and 21% have images of children subjected to bondage, rape or torture – often involving animals as well. Only 1% of those images they come into contact with simply have pictures of children that are nude, not engaging in any sexual activity. He presented a map of the area the task force covers, with Albemarle being part of District 4, and showed a geographic area where individual computers have been found with child pornography being offered for download for other people. Mr. Anders noted that in urban areas more computers are found in a smaller geographic area that contain these images, and the offenders trade the images and videos as others would trade “baseball cards or comic book collections.” He reported that investigators are able to locate the IP address of the computers being used in trading the child pornography, the last date and time it was seen, the digital fingerprint of each file, and approximate location. Mr. Anders commented that he and the Chair have a better chance of matching DNA than two of these files having the same digital fingerprint. He stated that the task force tries to find “the worst offenders” because there are too many to catch everyone.

Mr. Dorrier asked what percentages of offenders are prosecuted. Mr. Anders replied that the information would come later in the presentation.

Mr. Anders said that the top offenders offer “training videos,” and are at a higher risk of committing offenses against local children. He then presented information on the areas the task force

targets its resources. Mr. Anders also presented information on the “training manual” content. He presented an image of Scott Forrester, the first arrest in Virginia after Alicia’s Law was passed by the General Assembly; his three-year-old daughter was rescued from a “horrible situation,” and he was eventually sentenced to over 100 years after pleading guilty to 97 counts out of a possible 29,000 felonies he could have been charged. When investigators interviewed Mr. Forrester after his arrest, they asked why he did what he did, Mr. Forrester responded “what the ‘f’ business is it of yours what I do with my daughter.” Mr. Anders said, personally, he has a two-year-old son and he comes to work each day on a mission to stop these predators.

Mr. Dorrier asked if there is evidence this issue is more prevalent and more serious than it has been in the past. Mr. Anders replied that there is, noting that the National Center for Missing and Exploited Children reports 20,000 new, never been seen, images of child pornography every week.

Ms. Cooper said that she is the Director of Legislative Affairs for the National Association to Protect Children, which is a political lobby (federal government, state legislature, local governments) with a single-issue focus of raising funds to stop child exploitation and promote child abuse reforms. She stated that when this was started in 2006, the Department of Justice came to Congress and testified that they knew where hundreds of thousands of predators were but simply didn’t have the resources to catch them.

Ms. Cooper said that her group advocated for more investigators and more forensic analysis, as well as more prosecutions. She reported that the Protect Our Children Act was passed in 2008, which ramped up federal spending for the ICAC task forces – of which there are 62 nationwide; they were previously funded at \$15 million annually and at that time there were 750,000 predators identified just on one known platform. This does not include cyber tips through the tip line at the National Center or reports through the Child Abuse hotline. Ms. Cooper stated that the group got \$50 million dedicated to personnel for the ICACs, and this is the first stage of capacity building for the task forces – which has doubled the number of investigations and prosecutions for the Department of Justice.

She said that the Virginia legislature has been “very much engaged” to provide additional state funding for the tax forces through Alicia’s Law, but without the actual personnel at the local level it is difficult to catch the offenders. Ms. Cooper reported that Charlottesville has two dedicated officers now, and had 32 cases last year – with 16 in the pipeline already this year. She stated that Albemarle County is basically “starving,” and Chief Miller is already 23 personnel positions down. Ms. Cooper said Albemarle County is a public safety train wreck; it has 23 men down and literally has hundreds of these predators in its backyard. Ms. Cooper said if it comes back that the Morgan Harrington killer was an identified offender in their database, it is going to be a really big problem. She said that the majority of these perpetrators are hands-on offenders – with Department of Justice estimates at about 55%; Butner Federal Prison’s study shows 85% and her group has a more conservative estimate of about 33%. Without personnel, they are not going to be able to rescue these children.

Mr. Dorrier asked if there were any new laws needed to deal with the problem. Ms. Cooper responded that they are working on a huge federal bill, but the Protect Act was a 45-page bill that changed a lot of laws and helped the Department of Justice better pursue the offenders. Albemarle County Police Department needs investigators. That is what it comes down to, and every day that you do not invest in public safety is more days where these children are languishing in these situations. Ms. Cooper said their website address is: [www.protect.org](http://www.protect.org) and they also have a nonprofit arm that does research and education: [www.promisetoprotect.org](http://www.promisetoprotect.org). Ms. Cooper invited the Board to email her at any time with questions and concerns. She has access to all the leading studies on this issue, everything through the Department of Justice and information they provide to Congress.

Mr. Rooker asked if additional federal resources were targeted specifically for localities to add personnel. Ms. Cooper replied that at this time it hasn’t, but her job is to get “all hands on deck.” She added that if these were fires, the National Guard would be on every corner; it would be a national emergency. Ms. Cooper said that it is not just the federal government’s job to solve a local problem – as there are hundreds of predators right here in Albemarle County. They are working very hard to reign down literally hundreds of millions of dollars to these task forces so that they can ramp up capacity. She added that there are just two task forces in Virginia to work with every local police department and sheriff’s office, to get these people trained and there are retention and matriculation issues. They need dedicated officers; they are not going to be able to eradicate this problem until they have dedicated officers in Albemarle.

Mr. Rooker commented that if there were two officers added tomorrow, Chief Miller would determine where they were assigned – but one way to assure that resources are devoted to this is to have funding allocated specifically for this purpose.

Mr. Boyd asked if any localities in Virginia were getting any of the stimulus money for this purpose.

Ms. Cooper explained that there was \$50 million in stimulus money – which went to all 62 ICAC task forces which enabled them to maintain positions or to hire new positions. There was capacity building. She said that Albemarle County Police Department can get training and technical assistance from the investigators hired and paid through the stimulus funding. This year Alicia’s Law received some dedicated funding for the two task forces in Virginia. Ms. Cooper stated that there is an ongoing technical learning curve and matriculation issue, so new officers need to be trained constantly – which is what the state funding is addressing, including technology that tends to be expensive.

Mr. Boyd asked Mr. Tucker if the County is really 23 officers down. Mr. Tucker responded that the County is down officers, and the Chief has indicated that if additional funding were provided the first

priority would be to put policemen on the street. If the Board wants to discuss this further, he can bring back representatives from the Police Department another day for a discussion.

Mr. Rooker indicated that if the goal of 1.5 officers per thousand is used, then the County is down 23 positions.

Ms. Cooper said that the Board and Police Department will hopefully come to some consensus that the children who are being victimized are a priority. There needs to be a real honest discussion with the Police Department to determine the priorities. She is doing as much as she can to bring money into the district, but at some point Albemarle needs to take responsibility for its' own problems.

Mr. Dorrier commented that it is not just a question of money, but an issue of the true depth of the problem here. He thinks they look at the statistics closely and then target the most critical areas.

Ms. Mallek stated that she is sitting here "horrified," and there is a lot more to learn. She said there should not be an allowable limit.

Mr. Rooker and Mr. Boyd commented on the sobering nature of the presentation.

Mr. Boyd said that if the problem could be solved by two officers dedicated to this function, that's something tangible for the Board to work on. If the problem cannot be solved until the issue of the 23 officers is resolved, that is a different funding problem.

Ms. Cooper responded that the two officers in the City of Charlottesville have put a huge dent in the problem. She added that Albemarle could take a leadership role by hiring two officers dedicated for this purpose.

Mr. Rooker asked how many cases involved a live victim. Ms. Cooper replied that the data for those cases is currently being processed, but there was at least one person in that batch who admitted to contact with family members and another offender responsible for the gang-rape of a five-year-old boy. She is confident in saying that that arrest that Nick Rudman made saved a child's life.

Mr. Rooker said that most cases he reads about pertain to images, and not live victims. Ms. Cooper responded that it is a common practice to leave out the specifics of abuse because it might "out the victim."

Mr. Dorrier commented that when Ted Bundy was interviewed, he indicated that pornography was what helped drive him to commit murders.

Ms. Cooper thanked the Board for allowing her to come and for their thoughtful questions.

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Agenda Item No. 7. **PUBLIC HEARING: Six Year Secondary Road Plan.** To receive comments on the County's Priority List of secondary road improvements and the VDOT Six Year Secondary Construction Program Budget. (*Advertised in The Daily Progress on March 28 and April 5, 2010.*)

Mr. David Benish, Chief of Planning summarized the following executive summary that had been forwarded to Board members:

"This public hearing is to receive input on the County's Priority List of Secondary Road Improvements (Attachment A) and the proposed VDOT Six Year Secondary Road Construction Program Budget (Attachment B). The County's Priority List establishes the priorities for road improvements for roads in the State's Secondary Road system (roads with a route number of 600 or higher). The Virginia Department of Transportation (VDOT) Six Year Secondary Construction Program is based on the County's Priority List and is reflective of available State road funding allocated to the County. The County's Priority List and the VDOT Construction Program Budget are typically reviewed annually.

Two documents are before you for review and action, the County's Priority List of Secondary Road Improvements and VDOT Six Year Secondary Road Construction Program Budget. Each is discussed below.

**County's Priority List of Secondary Road Improvements** – There are three (3) changes proposed to this year's Priority List:

- 1) Brown's Gap Turnpike/Headquarters Lane (Routes 629 and 624) has been added to the "Rural Rustic Road" paving list (Attachment A, page 3). This is a public request to pave this approximately .5 mile section of road. The annual average traffic count on this road is 50 trips. While this dead-end road provides access primarily to properties located along the road, it also provides an informal access (no signage, no parking) to the Shenandoah National Park. Based on a preliminary assessment by VDOT staff, the road is eligible for paving under the rural rustic road standards. The combination of the road's traffic volume, existing condition and location, along with the fact that it is a new request, lead to a low priority ranking on the County's Priority List. It should be noted that there are no State unpaved roads funds being allocated to the County (or Statewide), so there are no new unpaved road projects scheduled in the VDOT Six Year Secondary Road Construction Program Budget.

- 2) Removal of the Hatton Ferry from the "Strategic Priorities" list (Attachment A, Page 1) based on VDOT's elimination of the ferry service and the discontinuance of maintenance of that portion of State Route 625 in Albemarle and Buckingham Counties.
- 3) Two bridge improvements (over the N. Fork Rivanna River and over Jacobs Run) that were part of the Dickerson Road (Rt. 606) paving project have been added to the list of bridge projects. This is an update that reflects a prior Board action to remove the Dickerson Road paving project from the VDOT Six Year Construction Program. These bridge improvements had been listed as part of the Dickerson Road paving project on the County's priority list and had not been previously noted on the Bridge Priorities page (Attachment A, Page 2).

**Six Year Secondary Road Construction Program Budget** – Due to the significant reduction in state funding over the next six years, there are no new projects proposed to be added to the Program Budget. The total projected funding per year for the six years of the Program is \$324,624. In the proposed Six Year Program, the total allocations for FY11 and FY12, along with previous existing allocations of State funds to the "Countywide Projects" cost center, are being used to cover the remaining funding shortfall for the Jarman's Gap Road project (\$920,178).

For the remaining out years of the Program (FY13 to FY16) the annual funding is proposed to be allocated to the Broomley Road bridge project (Rt. 677). This bridge is the third highest priority bridge improvement project. The two higher priority projects, Dry Bridge (Rt. 708) and Black Cat Road (Rt. 616), are already programmed for funding utilizing mostly Federal Bridge Funds and are scheduled for bid in 2013 and 2015, respectively. The Broomley Road bridge project is not yet programmed for full funding. The Board transferred unused unpaved road funds to the Broomley Road bridge project last year with a mid-year amendment to the Six Year Program (October 14, 2009) in order to advance this project. County and VDOT staff are recommending that the remaining out year funding be applied to this project consistent with the priorities established by the Board during last year's six year program review and mid-year update.

**VDOT Revenue Sharing Program** – The VDOT Revenue Sharing Program will again be available this year and would be a source for additional funding that could support transportation/road improvement projects. The Revenue Sharing Program will match, dollar-for-dollar up to \$1.0 million, a locality's contribution toward funding of transportation projects. The County's application would achieve a higher ranking for funding in the Program ("Tier 2") if the county's contribution is greater than dollar-for-dollar match. The County has traditionally participated in this Program, resulting in as much as \$2.5 million in additional funds provided toward transportation projects (\$1.0 million Revenue Sharing funds, \$1.5 County match). Should the Board choose to pursue Revenue Sharing Program funds this year, staff would recommend requesting funding to cover the shortfall in the Jarman's Gap Road project (\$500,000 County match, \$421,000 Revenue Sharing funds). If awarded, this amount of secondary road construction funds allocated in FY 2010-11 and FY 2011-12 could be moved from Jarman's Gap Road to the Broomley Road bridge project, further advancing the funding and ultimate construction of that project.

A decision on whether the County will apply for Revenue Sharing funding is NOT needed at this time or with the Board's action on the Six Year Secondary Construction Program Budget. The deadline for submitting an application for Revenue Sharing Funds is June 18, 2010.

The Six Year Secondary Road process establishes the County's priorities for the expenditure of State/VDOT secondary road construction funds and does not impact County funding. Should the County also decide to participate in the Revenue Sharing Program the County's match would be funded from existing appropriations in the CIP's "Transportation-Revenue Sharing Supplement" cost center (41020).

Mr. Benish said after the public hearing, staff recommends that the Board approve the County's Priority List of Secondary Road Improvements (Attachment A) and authorize the County Executive to sign the VDOT Secondary System Construction Program Budget for Albemarle County consistent with the County's Priority List (Attachment B).

Staff also recommends that the County continue to participate in the VDOT Revenue Sharing Program and will bring back additional information for the Board to consider in order to move forward with an application prior to the June deadline.

Mr. Boyd asked if the additional funds to the Broomley Road bridge project are enough to complete the project. Mr. Benish responded that it would not, but it would allow it to be moved forward a little more quickly. He added that the hope is to fund and advertise the project by 2017, but it has not gone through any detailed design work so the true cost is not known.

Ms. Mallek said if the bids for Jarman's Gap come in lower, as anticipated, that extra money would also go to Broomley Bridge. Mr. Benish said that is correct.

Mr. Benish added that the VDOT Plan presented here does fund Georgetown and Jarman's Gap Roads, and revenue-sharing monies are not needed for those.

Mr. Rooker commented that there is no real advantage to letting the \$500,000 sit in the CIP and not be used earlier rather than later. He thinks it would be wise to bring back information on Revenue Sharing in June. In terms of the new funding of \$325,000 a year for the Secondary Road Plan, Albemarle used to have \$5.5 million a year of secondary road funds.

Mr. Snow referred to the \$500,000, and asked if it would be matched at that level. Mr. Benish responded that it could be matched up to \$1 million. He added that last year the County received funding for Jarman's Gap which helped reduce the shortfall from the loss of \$4.5 million in State funding. He said that it looks "less optimistic" that there would be funding available for Albemarle because of the reduced amount of money in the Program. The first highest priority cut is to localities that administer their own projects. The County is in a "Tier Two" priority level, but it is still worth investigating.

Ms. Mallek commented that, given the severe winter the area just went through, she hopes the Rural Rustic Road Program is revived and funded, as it is much less expensive to do the paving than it is to constantly replace gravel.

At this time the Chair opened the public hearing. No one came forward to speak, so the public hearing was closed.

Ms. Mallek noted that the Advance Mills Bridge is officially complete, and would be open Friday for traffic after 2:00 p.m. It is a great-looking bridge, and they have done a fantastic job with our local company – Fielder's Choice – who built it for the County.

**Motion** was then offered by Mr. Rooker, **seconded** by Mr. Dorrier, to approve the County's Priority List of Secondary Road Improvements, as set out in Exhibit A, and to authorize the County Executive to sign the VDOT Secondary System Construction Program Budget, as set out in Attachment B, for Albemarle County consistent with the County's Priority List. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The Plan is set out below:)

**STRATEGIC PRIORITIES FOR ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS 2010-11 through 2015-16**

Y	VDOT's Secondary Plan	County's Proposed Ranking	Route Number/ Name	Location From - To	Estimated Advertisement Date	Estimated Cost	Description/Comments	Justification for Project/Source of Request	Year Project was placed On Priority List	Most Current Traffic Count and Year of Count
		0	County wide	County wide		varies	County services/improvements: signs, pipe, plant mix projects, raised median, crosswalks, restripe, lighting, etc	safety, maintain function/staff, public req.		
Y		0	County wide	Traffic mgmt. Program		varies	Designated for traffic calming projects throughout the County that meet requirements and sidewalk improvements.	Safety/Public Request, studies-plans		
Y		1	<b>Meadow Creek Pkwy</b>	Melbourne Rd to Rio Rd	under constr.	\$30,162,877	Two lane design approved by County and Comm. Transport. Bd., includes bridge over CSX RR	Capacity/ CHART	20,000-2006	
Y		2	<b>691 Jarman's Gap Road</b>	Rt 240 to Gray Rock	Jan-11	\$16,026,149	Curb & Gutter, sidewalk/crosswalk/bikelanes, turn lane improvements	Capacity,safety/Land Use Plan	2,700-2006	anticipates 4,500 in future
Y		3	<b>656 Georgetown Road</b>	Rt 654 to Rt 743	Feb-11	\$3,001,450	Curb & Gutter, sidewalk/crosswalk, improvements to certain turn lanes	Capacity,safety/G'town Rd Plan, Public		17,000-2007
		4	<b>649 Proffitt Road</b>	Rt 29 to 1.6 miles east			improve alignment, urban x-section with bikelanes/sidewalk and multi-use path	Capacity, safety/Land Use Plan		6,800-2007
		5	<b>781 Sunset Avenue</b>	Fontaine/Sunset Connector			Improvements to Fontaine Ave. and Fontaine/Sunset Ave. Connector	Area B Study,Capacity/ LU Plan	2007	4,600-2006
		6	<b>Berkmar Dr Ext. Bridge</b>	End of Berkmar Dr to HTC			New parallel road in the Rt. 29 Corridor	UnJAM 2025	2006	23,500
		7	<b>631 Old Lynchburg Rd</b>	1.35 MI. S. I-64 to Rt 708			Spot improvements at various locations to serve development in Southern DA/County	Capacity/Land Use Plan		2,300-2007
Y		8	Bridge Improvement Projects	Various locations (See Att. A)			Improve/replace low sufficiency rated bridges based on County and VDOT priority	varies		
		9	726 James River Road	Rt 795 to Rt 1302			Spot improvement to improve sight distance	Safety/Scottsville		1,900-2006
		10	<b>Hillsdale Drive</b>	Greenbrier Dr. to Seminole Sq.			New connector between Greenbrier Dr. and Hydraulic Rd. constructed with urban system funds	Capacity/Hillsdale Drive Extension Study		
		11	<b>601 Old Ivy Road</b>	Ivy Rd to 250/29 Byp			Widen, improve alignment , coordinate with UVA Gateway project	Capacity/Land Use Plan		6,900-2007
		12	<b>Southern Parkway</b>	Avon St to Fifth St			Extend to 5th St., with pedestrian/bike facility, and Neighborhood street design/speed	Capacity/Southern City Study		15,000-2004
		13	795 Blenheim Road	Intersection of Rt 790			Intersection improvement.	Safety/Scottsville Request		670-2007
		14	<b>Eastern Avenue</b>	Rt 240 to Rt 250			Interconnect future neighborhood streets, includes RR underpass and bridge over Lickinghole Crk	Capacity/Crozet Master Plan		4,100-2003
		15	<b>631 Rio Road</b>	Rio Rd @ Pen Park Ln			Improve substandard intersection (may be funded in part with City/private developer funds)	Safety/City		26,000-2007
		16	643 Polo Grounds Road	Rt 29 to Rt 649			Improvement alignment. spot improvements.	Safety/Public Request		1,300-2006
		17	<b>Main Street</b>	Crozet Ave to Eastern Ave			New road as recommended in the Crozet Master Plan, to be built with development of site	Capacity/Crozet Master Plan	2003	3,600-2003*
		18	<b>743 Hydraulic Road</b>	Intersection with Rt 29 (29H250)			Improvements recommended from 29H250 Phase 2 Study	Capacity,safety/29H250 Study	2003	18,000-2007
		19	<b>866 Greenbrier Drive</b>	Intersection with Rt 29 (29H250)			Improvements recommended from 29H250 Phase 2 Study	Capacity,safety/29H250 Study	2003	8,200-2006
		20	<b>Eastern Connector</b>	Rt 250 to Rt 29			Initial study of new road concept completed. Further study of alignment on hold	Capacity/CHART	2006	

**Projects in bold are in the Development Area.**

**STRATEGIC PRIORITIES FOR ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS 2010-11 through 2015-16**

**STRATEGIC PRIORITIES (Projects 1 – 22)**

VDOT's Secondary Plan	County's Proposed Ranking	County's Route Number/ Name	Location From - To	Estimated Advertisement Date	Estimated Cost	Description/Comments	Justification for Project/Source of Request	Year Project was placed On Priority List	Most Current Traffic Count and Year of Count
21		<b>702 Reservoir Road</b>	Fontaine Ave. Ext to Dead end			Paving and spot improvements, to be done as part of the reservoir reconstruction project	Safety/Public Request	2003	2,000-2006
22		<b>Dickerson Road</b>	N. of Rt 805 to just S. of Rt 1030			Paving of unpaved road segments--no state unpaved road funds available for the foreseeable future	UnJam 2030; DA location; Rt 29 alternate route	2008	200-2003

**Projects in bold are in the Development Area.**

ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS FOR BRIDGE IMPROVEMENTS 2010-11 through 2015-16

[Some projects may not be completed as prioritized due to project complexity and/or available funding]

BRIDGE PRIORITIES – IN PRIORITY ORDER

VDOT's Secondary Plan	Route Number, Route Name	Location From - To	Sufficiency Rating**	Traffic Count	Description/Comments	Estimated cost/funding source
Y	Route 743, Advance Mill	North Fork Rivanna River	closed	969	under construction	\$3,715,368 / federal bridge funds
Y	Route 708, Dry Bridge Road	Buckingham Branch Railroad	26	1128	suff rating, high traffic count -- EAD 2013	\$2,736,912 / federal bridge funds
Y*	Route 616, Black Cat Road	Buckingham Branch	54.4	1479	suff rating, high traffic count -- EAD 2015	federal bridge funds
Y	Route 677, Old Ballard Road	Buckingham Branch	42.2	1267	suff rating, high traffic count -- EAD 2017	\$4,499,373 / federal bridge and secondary funds
	Route 637, Dick Woods Road	Ivy Creek	36.1	1251	suff rating, high traffic count	
	Route 795, Presidents Road	Hardware River	19.4	147	low sufficiency rating	
	Route 745, Wheeler Road	Norfolk Southern Railroad	20.9	87	low sufficiency rating	
	Route 641, Frays Mills Road	Marsh Run	49.6	391	low sufficiency rating	
	Route 649, Proffit Road	Norfolk Southern Railroad	35.2	5094	upgraded in Summer 2007, has high traffic count	
	<b>Route 606, Dickerson Road</b>	Jacobs Run		200	low suff. Rating; in Devel. Area; parallel road to Rt. 29	
	<b>Route 606, Dickerson Road</b>	North Fork of Rivanna River		200	low suff. Rating; in Devel. Area; parallel road to Rt. 29	

**NOTE: Bold Italics are proposed changes.**

\* Programmed into future allocations of federal bridge funds in Culpeper District.

\*\*Sufficiency Rating is utilized by VDOT to rate the bridge structure.

**ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS FOR PAVING PROJECTS 2010-11 through 2015-16**

[Some projects may not be completed as prioritized due to project complexity and/or available funding]

**POTENTIAL ROAD PAVING PROJECTS**

**RURAL RUSTIC ROAD PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)**

VDOT makes the determination on whether a road is eligible for RRR paving. All projects are placed on the regular paving list until the determination is made by VDOT.

Route Number, Road Name County Priority	Location From - To	Funding Status	Estimated Cost Regular/RRR	Most Current Traffic Count/ Year of Count	Description/Comments	Year Project Placed on Priority List	Estimated Advertisement Date
762 Rose Hill Church Ln	Rt 732 to Dead End	Not Funded	\$97,596	120-2006	Public request. At current ranking due to traffic count.		no date
704 Fortune Lane	Rt 715 to Dead End	Not Funded	\$142,443	130-2006	Public request. At current ranking due to traffic count.		no date
672 Blufton Road	Rt 810 to Dead end	Not Funded	\$92,017	170-2006	School Request in 2007	2003	no date
608 Happy Creek Road	Route 645 to Route 646	Not Funded	\$108,333	140-2006	Public request. At current ranking due to traffic count.		no date
662 Bleak House Road	Rt 660 to Rt 665	Not Funded		320-2003	Public request. At current ranking due to traffic count.		no date
774 Bear Creek Road	NCL to dead end	Not Funded		80-2006	Public request. At current ranking due to traffic count.		no date
703 Pocket Lane	Rt 715 to Dead end	Not Funded		110-2006	Public request. At current ranking due to traffic count.	2005	no date
637 Dick Woods Road	Rt 691 to Rt 758	Not Funded		110-2006	Public request. At current ranking due to traffic count.	2005	no date
747 Preddy Creek Road	Rt 600 to Rt 640	Not Funded		110-2006	School request. At current ranking due to traffic count.		no date
600 Stony Point Pass	2.5 miles east to Rt. 231	Not Funded		80-2006	Public request. At current ranking due to traffic count.		no date
769 Beam Road	Rt 1484 to dead end	Not Funded		60-2006	Public request. At current ranking due to traffic count.		no date
<b>629/624 Browns Gap</b> <b>TP/Headqtrrs Ln</b>	Rt 810 to end of Rt 624	Not Funded		90/50-2006	Public request. At current ranking due to traffic count.	2010	no date

**NOTE: Bold Italics are proposed changes**

Staff and VDOT will further evaluate the cost closer to construction, which may decrease or increase.

**ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS FOR PAVING PROJECTS 2010-11 through 2015-16**

[Some projects may not be completed as prioritized due to project complexity and/or available funding]

**POTENTIAL ROAD PAVING PROJECTS**

**REGULAR PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)**

VDOT makes the determination on whether a road is eligible for RRR paving. All projects are placed on the regular paving list until the determination is made by VDOT.

Route Number, Road Name County Priority	Location From - To	Funding Status	Estimated Cost Regular/RRR	Most Current Traffic Count/ Year of Count	Description/Comments	Year Project Placed on Priority List	Estimated Advertisement Date
643 Rio Mills Road	Rt 29 to Rt 743	Not Funded	\$3,218,665	650-2003	Staff request. At current ranking due to traffic count.	2003	Dec-15
784 Doctors Crossing	Rt 600 to Rt 640	Not Funded	\$1,842,855	260-2006	School Request in 2007, public request as well		Aug-11
688 Midway Road	Rt 635 to Rt 824	Not Funded	\$213,513	300-2006	Public request. At current ranking due to traffic count.		no date
689 Pounding Creek Rd	Rt 250 to Rt 635	Not Funded		590-2006	Public request. At current ranking due to traffic count.		no date
731 Keswick Drive	Rt 744 to Rt 22	Not Funded		310-2006	Public request. At current ranking due to traffic count.	2005	no date
787 Gillums Ridge Rd.	Rt 682 to Rt 708	Not Funded	\$1,427,288	290-2006	Public request. At current ranking due to traffic count.		no date
671 Wesley Chapel Rd	Rt 609 to Rt 674	Not Funded		820-2006	School transportation request	2007	no date
685 Bunker Hill Road	Rt 616 to Dead end	Not Funded		310-2003	Public request. No longer qualifies for RRR due to alignment and utility problems, will have to be reg. paving project.		no date
784 Doctors Crossing	Rt 600 to Dead End	Not Funded		260-2006	Public request. At current ranking due to traffic count.	2004	no date
720 Harris Creek Road	Rt 20 to dead end	Not Funded		250-2006	Public request	2007	no date
736 White Mtn Road	Rt 636 to dead end	Not Funded		230-2006	Public request. At current ranking due to traffic count.		no date
		636 doesn't meet VDOT requirements)					
731 Keswick Road	.60 ME Rt 744 to Rt 744	Not Funded (short road seg. btwn P.O & K.C.C.-may be eligible for RRR)		230-2003	Public request. ranking due to traffic count. Possible RRR	2004	no date
683 Shelton Mill Road	Rt 751 to dead end	Not Funded		230-2006	Public request. At current ranking due to traffic count.	2007	no date
712 North Garden Lane	Rt 692 to Rt 29	Not Funded		220-2006	Public request. At current ranking due to traffic count.		no date
712 Coles Crossing Rd	Rt 713 to Rt 795	Not Funded		220-2006	Public request. At current ranking due to traffic count.		no date
712 North Garden Lane	Rt 29 to Rt 760	Not Funded		220-2006	This project will be paved as part Rt. 712 -btwn Rt. 713 to Rt. 795		no date
671 Wesley Chapel Rd	Rt 609 to Rt 749	Not Funded		100-2006	School transportation request	2007	no date
829 Horseshoe Bend Rd	Rt 601 to Dead End	Not Funded		210-2006	Public request. At current ranking due to traffic count.	2004	no date
645 Magnolia Rd	Rt 608 to Orange CL	Not Funded		190-2006	Public request. At current ranking due to traffic count.		no date
637 Dick Woods Rd	Rt 691 to Rt 635	Not Funded		180-2006	Public request. At current ranking due to traffic count.	2006	no date
674 Sugar Ridge Road	Rt 614 to Rt 673	Not Funded		180-2006	Public request. At current ranking due to traffic count.		no date
761 Briery creek Road	Rt 622 to County Line	Not Funded		160-2006	Public request. At current ranking due to traffic count.	2005	no date
682 Broad Axe Road	Rt 637 to to current paved sections	Not Funded		160-2006	Public request. At current ranking due to traffic count.		no date
678 Decca Lane	Rt 676 to Rt 614	Not Funded		160-2006	Public request. At current ranking due to traffic count.		no date
640 Gilbert Station Road	Ashleigh Way Dr to paved section	Not Funded	\$1,500,000	120-2006	Public request. At current ranking due to traffic count.		no date
856 Burton Lane	Rt. 711 to dead end	Not Funded		120-2006	Public request. At current ranking due to traffic count.	2007	no date
687 Shifflett Mill Road	Rt 601 to Rt 810	Not Funded		45-2006	School Department Request	2007	no date
668 Fox Mountain Trail	Rt 601 to Rt 810	Not Funded		30-2006	School Department Request	2007	no date

**NOTE: Bold italics are proposed changes**

Staff and VDOT will further evaluate the cost closer to construction, which may decrease or increase.

**ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS FOR PAVING PROJECTS 2010-11 through 2015-16**

[Some projects may not be completed as prioritized due to project complexity and/or available funding]

**POTENTIAL ROAD PAVING PROJECTS**

**REGULAR PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)**

VDOT makes the determination on whether a road is eligible for RRR paving. All projects are placed on the regular paving list until the determination is made by VDOT.

Route Number, Road Name County Priority	Location From - To	Funding Status	Estimated Cost Regular/RRR	Most Current Traffic Count/ Year of Count	Description/Comments	Year Project Placed on Priority List	Estimated Advertisement Date
<b>605 Durrett Ridge Road</b>	Rt 743 to Swift Run (including bridge)	Not Funded		140-2006	Public request. At current ranking due to traffic count.		no date
<b>723 Sharon Road</b>	Route 6 to Route 626	Not Funded		130-2006	Public request. At current ranking due to traffic count.	2004	no date
<b>633 Cove Garden</b>	Rt 29 to Rt 712	Not Funded		130-2006	Public request. At current ranking due to traffic count.		no date
<b>707 Blair Park Road</b>	Rt 691 to Dead end	Not Funded		130-2006	Public request. At current ranking due to traffic count.		no date
<b>698 Hungrytown Road</b>	Rt 633 to DE	Not Funded		90-2006	School transportation request	2006	no date
<b>813 Starlight Road</b>	Rt 712 to Dead End	Not Funded		80-2006	Public request. At current ranking due to traffic count.	2004	no date
<b>600 Stony Point Pass</b>	2.5 miles west to Rt 20	Not Funded		80-2006	Public request. At current ranking due to traffic count.		no date
<b>634 Spring Valley Road</b>	Rt 633 to Rt 635	Not Funded		80-2006	Public request. At current ranking due to traffic count.	2007	no date
<b>637 Dick Woods Road</b>	Rt 151 to Nelson CL	Not Funded		70-2006	Public request. At current ranking due to traffic count.	2007	no date
<b>721 Old Dominion Rd</b>	Rt 6 to Rt 630	Not Funded		70-2006	Public request. At current ranking due to traffic count.	2006	no date
<b>776 Buck Mtn Ford Lane</b>	Rt 667 to Rt 664	Not Funded		20-2006	Public request. At current ranking due to traffic count.	2004	no date

**NOTE: Bold Italics are proposed changes**

Staff and VDOT will further evaluate the cost closer to construction, which may decrease or increase.



**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Culppeper County: Albemarle County		2011-12 through 2015-16											
Board Approval Date:		PROJECTED FISCAL YEAR ALLOCATIONS											
Route	Road Name	Estimated Cost	Additional Funding Required	2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Traffic Count	Scope of Work	
Priority #	Project # Description FROM TO	Ad Date	SSYP Funding Other Funding Total								FHMA #	Comments	
RL0631	Meadow Creek Parkway - Rto	PE \$3,500,000											
2530	Road	RW \$10,625,180	\$21,749,886	\$0	\$0	\$0	\$0	\$0	\$0				
	0631002126	CONW \$15,737,897	\$9,340,324	\$0	\$0	\$0	\$0	\$0	\$0				
	RTE 631 - 2 LANE ON 2 LANE ROW; 4 LANE ON RELOCATED RD ROAD	Total \$30,162,877	\$31,090,322	\$0	\$0	\$0	\$0	\$0	\$0			300, Rev. Sharing \$0,340,904	
	SECONDARY - TWO HEARING DESIGN	10/14/2008											
0001.00	INTERSECTION MELBOURNE ROAD												
	0.0863 MILE NORTH OF FURKOLK SOUTHERN RAILWAY												
	1.4												
RL0691	JARMAN GAP ROAD	PE \$2,150,000											
11129	0691002258	RW \$5,545,149	\$11,836,771	\$0	\$324,624	\$324,624	\$0	\$0	\$0			2118 MINOR WIDENING	
	RTE 601 - WIDEN & IMPROVE ALIGNMENT	CONW \$8,336,000	\$3,487,206	\$0	\$0	\$0	\$0	\$0	\$0			14005	
	STP, STP/RVSHS	Total \$16,026,149	\$15,405,971	\$0	\$324,624	\$324,624	\$0	\$0	\$0			Revised schedule and estimate required. 2-lane Urban WISW & Bike Lanes	
	SECONDARY - ONE HEARING DESIGN	1/11/2011	\$620,178									Previous Funding W/ Rev. Sharing \$7,756,857	
0002.00	0.003 MI. West Rts-240												
	0.9												
RL0696	GEORGETOWN ROAD	PE \$600,000											
12962	0696002254	RW \$706,450	\$2,036,113	\$144,614	\$0	\$0	\$0	\$0	\$0			13500	
	RTE 658 - SPOT IMP., EDENBLK & SAFETY FEATURES	CONW \$1,295,000	\$620,150	\$0	\$0	\$0	\$0	\$0	\$0			SAFETY/TRAFFIC OPERBTSM	
	STP/RVSHS, STP/RVSHS	Total \$3,001,450	\$2,656,263	\$144,614	\$0	\$0	\$0	\$0	\$0			3012	
	SECONDARY - ONE HEARING DESIGN	2/8/2011	\$143,187									(\$627)	
0003.00	0.043 MI. E. ROUTE 654 (BARRACKS RD)												
	0.8												
RL0743	0.023 MI. W. ROUTE 743 (HYDRAULIC RD)	PE \$590,945											
77273	0743002282	RW \$325,000	\$1,232,862	\$0	\$0	\$0	\$0	\$0	\$0				
	RTE 743 - BRIDGE & APPROACHES OVER NORTH FORK RIVANNA	CONW \$2,390,500	\$2,482,806	\$0	\$0	\$0	\$0	\$0	\$0				
	STP/RVSHS, STP/RVSHS	Total \$3,315,538	\$3,715,268	\$0	\$0	\$0	\$0	\$0	\$0			BRIDGE REPLACEMENT	
	SECONDARY - ONE HEARING DESIGN	1/13/2009	(\$401,333)									15009	
0004.00	0.073 MI. W. of Rts. 841												
	0.1												

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Outbeper County: Alameda County		2011-12 through 2015-16												Traffic Count
Board Approval Date:		PROJECTED FISCAL YEAR ALLOCATIONS												Scope of Work FHWA #
Route	Road Name	Estimated Cost	Additional Funding Required	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Comments			
Priority #	Project # Description FROM TO Length	Ad Date	Previous Funding SSYP Funding Other Funding Total	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Balance to complete	Comments			
RL0708	0708020283 RTE 708 - BRIDGE & RAILROAD 0.08 MILE SOUTH OF ROUTE 738	5/14/2013	PE \$481,043 RW \$139,800 COW \$2,233,550 Total \$2,854,393	\$0 \$1,628,543 \$1,628,543	\$0 \$390,423 \$390,423	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$1,628,543 \$1,628,543	\$97,281	BRIDGE REPLACEMENT 15009 Dry Bridge Road, Revised schedule required.			
RL0877	0877020283 Bridge Replacement Rte 877 over Buckingham Branch RR Branch RR	3/15/2017	PE \$760,000 RW \$620,000 COW \$3,119,373 Total \$4,499,373	\$10,000 \$0 \$10,000	\$198,250 \$198,250	\$290,218 \$290,218	\$334,624 \$508,554 \$843,178	\$324,624 \$278,240 \$602,864	\$324,624 \$0 \$1,148,284	\$256,479	BRIDGE REPLACEMENT 15009 Revised schedule required.			
RL4009	1204006 COUNTY-WIDE TRAFFIC CALMING VARIOUS LOCATIONS IN COUNTY		PE \$0 RW \$0 COW \$0 Total \$0	\$100,000 \$0 \$100,000	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0	TRAFFIC CALMING MEASURES AS DETERMINED BY AGENCY AND DISTRICT TRAFFIC ENGINEER			
RL4008	1204008 COUNTY-WIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY		PE \$0 RW \$0 COW \$0 Total \$0	\$40,000 \$0 \$40,000	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0	USE WHEN IMPARTIAL TO OPEN A PROJECT. ATTORNEY FEES and ACQUISITION COST.			
RL4007	1204007 COUNTY-WIDE TRAFFIC SERVICES VARIOUS LOCATIONS IN COUNTY		PE \$0 RW \$0 COW \$0 Total \$0	\$116,169 \$0 \$116,169	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0	TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED LIMITS, AND OTHER SECONDARY SIGNS			

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Culpeper County: Albemarle County Board Approval Date:		2011-12 through 2015-18											Traffic Count
Roads		PROJECTED FISCAL YEAR ALLOCATIONS											Balance to complete
Route	Project # Description FROM TO Length Priority #	Estimated Cost		Fiscals Funding SSYP Funding Other Funding Total	Additional Funding Required	2010-011	2011-12	2012-13	2013-14	2014-15	2015-16	Traffic Count Scope of Work FHWA # Comments	
		PE	RW										
RL400B	1204008 COUNTYWIDE FERTILIZATION & SEEDING VARIOUS LOCATIONS IN COUNTY	\$0	\$0	\$19,746		\$5,000	\$0	\$0	\$0	\$0	\$0	0	
9999.99				\$19,746	(\$19,746)	\$0	\$0	\$0	\$0	\$0	\$0	FERTILIZATION AND SEEDING TO IMPROVE SLOPE STABILIZATION ON SECONDARY SYSTEM	
RL4005	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY	\$0	\$0	\$42,781		\$0	\$0	\$0	\$0	\$0	\$0	0	
9999.99				\$42,781	(\$42,781)	\$0	\$0	\$0	\$0	\$0	\$0	MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.	
RL4003	1204003 COUNTYWIDE RURAL ADDITIONS VARIOUS LOCATIONS IN COUNTY	\$0	\$0	\$25,000		\$25,000	\$0	\$0	\$0	\$0	\$0	0	
9999.99				\$25,000	(\$25,000)	\$0	\$0	\$0	\$0	\$0	\$0	RURAL ADDITIONS - SECTION 33.1 -72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS.	
RL4002	1204002 COUNTYWIDE PIPE & ENTRANCE VARIOUS LOCATIONS IN COUNTY	\$0	\$0	\$29,751		\$12,000	\$0	\$0	\$0	\$0	\$0	0	
9999.99				\$29,751	(\$29,751)	\$0	\$0	\$0	\$0	\$0	\$0	INSTALLATION CHARGE FOR PIPES AT PRIVATE ENTRANCES AND OTHER MINOR DRAINAGE IMPROVEMENTS.	
RL1427	1427002374 ROUTE 1427 - RAISED MEDIAN DEVELOPERS, ETC. XWALKS, RESTRIPE, LIGHTING, ETC. STP ROUTE 831 (R/O ROAD) ROUTE 906 (GREENBRIER DRIVE) 0.9	\$785	\$0	\$34,040		\$0	\$0	\$0	\$0	\$0	\$0	SAFETY/TRAFFIC OPERATIONS 3.012 Bicycle/Pedestrian Improvement.	
71722				\$37,729		\$0	\$0	\$0	\$0	\$0	\$0		
9999.99				\$421,789	(\$421,789)	\$0	\$0	\$0	\$0	\$0	\$0		



Agenda Item No. 8. **PUBLIC HEARING: PROJECT: SP-2009-00027. Grayson Farm Airstrip (Signs #1&3). PROPOSED:** Construct private 1600' grass airstrip for single-engine airplanes. ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). SECTION: 10.2.2 (19) Private airport. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots). ENTRANCE CORRIDOR: Yes. LOCATION: 6507 Scottsville Road (Rt. 20 South), north of Scottsville Road and Glendower Road junction. TAX MAP/PARCEL: 12100000082H0. MAGISTERIAL DISTRICT: Scottsville. (Advertised in *The Daily Progress* on March 28 and April 5, 2010.)

Mr. Cilimberg said that this request is for a 1600-foot private grass airstrip. The applicant plans to utilize his single-engine airplane, which he proposes to use only in the daytime and not on Sunday morning from 10 a.m. to 12 p.m. Mr. Cilimberg indicated that the usage would be limited to a maximum of 250 takeoffs and landings per year. The applicant only needs to perform minor fill activity and a small amount of landscaping along the landing strip with a few trees along a fence line slated for removal. He explained that the applicant plans to convert a hay barn to the hanger for the plane. Mr. Cilimberg said that there are letters of no objection that the applicant has provided from eight adjacent owners as well as the Charlottesville-Albemarle Airport and Federal Aviation Administration.

Mr. Cilimberg said that the surrounding area is mostly large forested parcels intermixed with agricultural land, and several parcels are located in the Totier Creek Agricultural and Forestal District, or are under conservation easement. Mr. Cilimberg noted that there are also several parcels located in the Southern Albemarle Rural Historic District, and along an Entrance Corridor. He said that there are no Comprehensive Plan provisions regarding private airstrips, and there are no permanent improvements proposed for the site to accommodate the strip – the proposed use would have only a minimal impact on the rural character of the area. Mr. Cilimberg stated that as required in Supplemental Regulations, there are no residents within 500 feet horizontally or 1,000 feet longitudinally of the airstrip. He noted the line of the airstrip on a schematic, and pointed out the vegetation the applicant would like to remove. Mr. Cilimberg said that the airstrip would only minimally impact the character of the site and existing area, and there are no anticipated detrimental impacts to adjacent properties.

Mr. Cilimberg stated that staff and the Planning Commission have recommended approval with a total of 12 conditions, including some additional language that was added at the Commission's request as part of their action. He confirmed that this would remain a grass airstrip, with just a little fill activity to even out the area.

At this time, the Chair opened the public hearing.

Mr. Tim Schmidt said he is the applicant. He indicated that the parcel is 275 acres, and this proposal is purely for recreational use for his single-engine propeller plane. Mr. Schmidt stated that he would only fly under Visual Flight Restriction (VFR) conditions, so there would be no instrument approaches or nighttime flying. He said that it will not be visible from Route 20, and no additional structures built, as well as no lighting. Mr. Schmidt stated that decibel readings and calculations of distances show the highest decibel level at any adjacent property line to be just over 55 decibels – under the 60 decibels allowed under the Zoning Ordinances. He added that most noise would only be audible during landing and takeoffs, and there would be very little if any environmental impact. There will be no paving or change in drainage patterns. Mr. Schmidt reiterated that it is a hayfield and only part of it will be cut shorter.

Mr. Dorrier asked if he was familiar with the Bundoran Farm accident. Mr. Schmidt responded that they were flying in a fog and there are no lights out there, so they were essentially doing an instrument approach to an unlit strip.

Mr. Rooker commented that Mr. Schmidt has a beautiful piece of property.

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

**Motion** was offered by Mr. Dorrier to approve SP-2009-00027 subject to the twelve conditions as recommended by staff and the Planning Commission. The motion was **seconded** by Mr. Rooker. Roll was called and the motion carried by the following recorded vote:

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

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

1. Development of the use shall be in conformity with the Conceptual Plan entitled, "Concept Plan," prepared by Tim Schmidt, and submitted October 13, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in conformity with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - *location of airstrip and*
  - *location of buildings and structures*as shown on the Conceptual Plan. Minor modifications to the Conceptual Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. The airstrip shall be located not less than five hundred (500) feet horizontally nor one thousand (1,000) feet longitudinally to any existing dwelling on adjacent property;
3. No lighting of the airstrip shall be permitted;
4. The airstrip shall not be paved or graded;
5. Approval and registration with the Federal Aviation Administration and the Virginia Department of Aviation, and approval from the Charlottesville-Albemarle Airport shall be required and must be kept current;
6. Landings and takeoffs shall be limited to daylight hours only, and shall not be permitted between the hours of 10:00 a.m. to 12:00 p.m. on Sundays;
7. All maintenance, repair, and mechanical work, except that of an emergency nature, shall be performed in an enclosed building;
8. Commercial activities and private clubs shall not be permitted on-site in conjunction with the airstrip;
9. No fuel shall be stored on-site;
10. Aircraft usage shall be limited to a single-engine, fixed-wing aircraft;
11. The airstrip shall be limited to Visual Flight Restricted (VFR) flying; and
12. No more than five (5) takeoffs and landings shall be allowed per week.

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Agenda Item No. 9. **PUBLIC HEARING: PROJECT: SP-2009-00028. Augusta Lumber (Sign #14). PROPOSED:** Amend SP200100034 to include an existing lumber storage structure and an additional .267 acres with the approved special use permit. Waiver of Section 5.1.15(a) to reduce required setbacks has been requested. ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots. SECTION: 10.2.2(14) Sawmills, planing mills and woodyards (reference Sec. 5.1.15 and subject to performance standards in Sec. 4.14). COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots). ENTRANCE CORRIDOR: No. LOCATION: 4303 Plank Road (Rt. 712) at the intersection of Starlight Road (Rt. 813), North Garden. TAX MAP/PARCEL: 09900000049A0 and TMP 09900000049A3. MAGISTERIAL DISTRICT: Samuel Miller. (*Advertised in The Daily Progress on March 28 and April 5, 2010.*)

Mr. Cilimberg reported that this request is for an existing operation on Plank Road where a building was built in 2009. A Zoning violation was noted regarding an unpermitted building. He explained that the operation goes back to the 1950s. The special use permit was initially approved in 1982 – with amended SPs approved in the early 1990s and 2001. There was a Zoning violation regarding conditions of approval in 1992.

Mr. Cilimberg said that the proposal would amend the existing special use permit to add about one-quarter acre and a 3,600 square foot building that has been previously constructed which is used for storage and sorting of lumber. He noted that there is a condition of approval to ensure that future uses of the building would be restricted to that storage, and noise-generating equipment would not be used. The approval would bring the business into compliance and permit the processing of a boundary line adjustment application.

Mr. Cilimberg stated that favorable factors include: 1) the lumber storage building is consistent with the Comprehensive Plan as it supports forestal uses in the rural area; 2) there would be no production activities contained within the building therefore noise-generating uses would not result; and 3) no additional traffic or pollution would be associated with the area added. He said that the unfavorable factor would be the potential negative impacts resulting generally from this use in the rural area; however, conditions in the past and those proposed here would mitigate or prohibit those impacts.

Mr. Cilimberg said that staff and the Planning Commission both recommend approval of the special use permit subject to four conditions; a fifth condition of approval of a waiver was granted at the Commission's March 16<sup>th</sup> meeting.

Ms. Mallek asked if access to the new building would be through the lumber yard and parcel next door. Mr. Cilimberg said the applicant would have to respond to that question.

Ms. Mallek asked about a previous boundary line adjustment that was done on this property. Mr. Cilimberg replied that there was an adjustment in 2008, but not where this particular building is located.

Mr. Snow pointed out that the problems on the property were there when the new owner bought this property two years ago. Mr. Cilimberg agreed.

At this time, the Chair opened the public hearing.

Mr. Chris Schooley of Novak-Schooley Design, addressed the Board on behalf of Augusta Lumber LLC. He reported that the Carr family owned Augusta Lumber and owned both properties – the main lumberyard on parcel TMP 99-49A and another parcel with a house on TMP 99-49A3. Mr. Schooley explained that the Carr family built the building on property they already owned, but they did not get a building permit as they thought it was a storage shed. He said that when they sold the property in 2006, the GIS map showed the property line in the wrong location. The new owner owns the lumber yard and the Carr family still owns the other property – which they are trying to sell to someone who works at the lumber yard. Mr. Schooley added that the well is on the lumberyard side of the property, and everything is accessed from that portion of the property – with the house using a private driveway that goes out to Plank Road.

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

**Motion** was offered by Mr. Snow to approve SP-2009-00028 subject to the four conditions as recommended by staff and the Planning Commission. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

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

1. Approval of SP-2009-00028 is for the addition of one (1)- three thousand, six hundred (3,600) square foot lumber storage/sorting building only. Any other uses, buildings, and/or enlargement of buildings shall require amendment of this special use permit;
2. The subject storage shed shall be located on the property in general accord with the sketch plan entitled "Plat of Boundary Line Adjustment Tax Map 99 Parcels 49A and 49A3" dated September 25, 2008" (hereinafter the "Plat") subject to standards within Section 5.1.15 of the Albemarle Zoning Ordinance;
3. The subject storage shed shall be restricted to the following purposes:
  - a) storage of lumber and
  - b) sorting of lumber; and
4. No noise generating production equipment shall be used within the building proposed with SP-2009-00028, as shown in Attachment A the "Plat" (*yellow*) or within 100' of the property line of TMP 99-49A3.

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Agenda Item No. 10. **PUBLIC HEARING: AFD-2010-00001. Batesville Agricultural and Forestal District Review: 10-03( ) – Agricultural and Forestal Districts.** Periodic review of the Batesville Agricultural and Forestal District and consider amending section 3-207, Batesville Agricultural and Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code. The proposed ordinance would identify TMPs 85-21D and 85-21D1 as being in the district (these parcels were created from parcels already in the district), would remove the reference to TMP 85A-1 (whose land was added to TMP 85-21), would remove any parcels from the district for which a request for withdrawal is received before the board acts on the proposed ordinance, and would continue the district and set the next district review date deadline of April 14, 2020. (*Advertised in The Daily Progress on March 28 and April 5, 2010.*)

Mr. Cilimberg said that this is the ten-year review for this district, created in 1990, originally with approximately 1,015 acres and now including 34 parcels and 1,155 acres – 982 of which are enrolled in land use. He explained that the property consists of large forest and farm parcels, with five parcels in conservation easements. The Batesville Historic District is located to the east of this Ag/Forestal District. There are two small clusters of parcels that are old planned residential development zoning that abuts the northernmost parcels in the District. Mr. Cilimberg stated that there are no landowners requesting withdrawal from the District. In February the Ag/Forestal District Advisory Committee recommended renewal of the District for ten years – until April 14, 2020. Staff and the Planning Commission support renewal of the District for ten years.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed.

**Motion** was offered by Ms. Mallek to approve AFD-2010-0001, for renewal of the Batesville Agricultural and Forestal District for an additional ten-year period, and to adopt the following ordinance amending County Code § 3-207 to update the parcels in the District and establishing the next review period. The motion was **seconded** Mr. Snow. Roll was called and the motion carried by the following recorded vote:

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

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

#### **ORDINANCE NO. 10-03(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Amending:**  
3-207 Batesville Agricultural and Forestal District

## CHAPTER 3

### AGRICULTURAL AND FORESTAL DISTRICTS

#### DIVISION 2. DISTRICTS

##### **Sec. 3-207 Batesville Agricultural and Forestal District.**

The district known as the "Batesville Agricultural and Forestal District" consists of the following described properties: Tax map 70, parcels 40, 40A; tax map 71, parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I; tax map 84, parcels 35A, 69; tax map 85, parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31. This district, created on May 2, 1990 for not more than 10 years and last reviewed on April 14, 2010, shall next be reviewed prior to April 14, 2020.

(Code 1988, § 2.1-4(s); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 00-3(3), 9-13-00; Ord. 01-3(2), 7-11-01; Ord. 04-3(1), 3-17-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(1), 4-14-10)

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Agenda Item No. 11. **SDP-2009-09. Arden Place**, Discussion to reconsider construction of trail from Arden Place development to the Woodbrook Lagoon Project.

The following executive summary was provided to Board members:

"On November 4, 2009 the Board of Supervisors granted a density increase in return for the dedication of open space and the construction and maintenance of a path running from Rio Road, to the Gardens Shopping Center (Carmike) and ending at land owned by the County which is the site of the Woodbrook Lagoon. This path would also connect to the Arden Place development and then by the Arden Place path system to other residential development in the area.

The Planning Commission had recommended to the Board of Supervisors that the path be only five (5) feet wide and end at the Gardens Shopping Center (Carmike) with no connection to the Woodbrook Lagoon. The Board of Supervisors required that the path be eight (8) feet wide and extend to the Woodbrook Lagoon.

The proposed open space with a path helps achieve several Comprehensive Plan goals. Pedestrian paths are important features in designated development areas because of their ability to create pedestrian orientation and interconnections (goals from the Neighborhood Model) and an alternate transportation option (Land Use Plan). The approved open space with a path will provide a pedestrian connection between the approved but unconstructed apartment complex and public facilities. The path also will provide the opportunity for pedestrians to walk to the Carmike movie theater and the Albemarle Square shopping center and Rio Road. Pedestrian access to the mentioned public amenities will provide an alternative to automobile transportation. The pedestrian path will be built to ADA standards, will be eight (8) feet in width, and will meet the County's standards established in the Design Standards Manual. The 8-foot width is the width recommended for mixed pedestrian and bicycle use. The owner/applicant of the apartment complex has agreed to maintain the path and the open space.

Staff has visited the site and notes that a system of informal paths already exists on the property. This path system links the site to the Woodbrook Lagoon area, the Gardens Shopping Center (Carmike) and the Woodbrook subdivision. If the County required path is not extended to the Woodbrook Lagoon, it is staff's opinion that an informal path will continue to be used by the residents of the area, linking all the features of the area together.

Arden Place will dedicate the trails and open space after it purchases the property from its current owner and before it applies for any building permits for the project. The Board may recall that when this matter was last before it, Arden Place needed to complete the dedication and obtain building permits by March 1, before the Albemarle County Service Authority's new and higher tap fees became effective. Arden Place was able to reach an agreement with the Authority and purchase the required connections before the new tap fees took effect.

There is no budget impact. Applicant has agreed to maintain the open space and path.

This executive summary is provided for information and review at the request of the Board of Supervisors."

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Mr. Bill Fritz, Chief of Current Development, reiterated that this project came before the Board in November, 2009, with a request for open space dedication that would allow for density increase. The Planning Commission had recommended a path system five-feet wide ending at the Garden Shopping Center (Carmike). The Board approved the path with an eight-foot connection ending at the Woodbrook Lagoon property. He is present to respond to any questions.

Mr. Thomas said that he would recommend that the path be reduced to five feet, and not extend it to the lagoon.

Mr. Rooker commented that this was a 5-1 vote last time, with Ms. Thomas being the strongest proponent and Mr. Boyd being the only one opposed. He said that he could support the shorter route, having it stop at the Carmike, but he does think it should be eight feet wide. Mr. Rooker said that the

paths in Humphris Park, which was originally opposed by neighbors, are eight feet wide – is necessary for joggers, strollers, and bicycles. He emphasized that this is being built at private expense, and the residents who will live there are not here yet as the property (Arden Place) has not been built. Mr. Rooker stated that this is a good connection to make to allow pedestrians, bicyclists, and others to get to the shopping center without having to go out on Route 29.

Ms. Mallek stated that she would support that measure. She has spoken with staff from Parks and Recreation, and they have no listing of the future lagoon property as a park of any sort as it is a stormwater facility.

Mr. Snow said that a five-foot wide path should be sufficient, but he'd like to hear from Woodbrook residents. The only argument possibly for a wider path is if there is need to back a truck into the area to remove brush and debris.

Mr. Rooker pointed out that the Meadow Creek Parkway will have an eight-foot multi-purpose path, and that has been VDOT's recommended width. He added that you could technically get by somebody at five feet – the typical width of a sidewalk – but it is pretty tight.

Mr. Boyd said his previous objection was because the Board did not give the residents of Woodbrook an opportunity to speak. He would like to hear from them.

At this time, the Chair opened the discussion for public comment.

Mr. John Gallagher said that the lagoon project is "Woodbrook's old cesspool." A lagoon project is a storm drainage project that will add a filtering berm, it is not a park. He said that residents are not against the County fixing the cesspool area, but are against the County "destroying their security" by opening up a part of Woodbrook that is currently closed. In response to children walking to school, there is no funding for the lagoon cesspool project to be completed or funding for a bridge. Mr. Gallagher stated that the Woodbrook neighborhood worked closely with the Planning Commission and the developer and reached a mutually agreeable solution, but a Supervisor with limited information wanted to change the parameters of that agreement. He asked the Board to listen to the Commission and undo their actions.

Ms. Susan Reed said that the Woodbrook community is upset and concerned with the Board's decision in November to overturn the Commission's unanimous recommendation – which agreed that a connecting road to Woodbrook would be disastrous for a one-way in, one-way out neighborhood. She said that at their second meeting they unanimously agreed that a walkway should only be five feet wide and should end at the Carmike. Ms. Reed stated that residents were shocked at the Supervisors' decision in November, with no notice given to the neighborhood, the plans were discussed and changed. It was clear with some of the comments made at the Supervisors meeting that some Board members were unfamiliar with the area. It makes no sense to have a sidewalk go to the lagoon and stop and calling it a lagoon does not take away from the fact that it is a steep wooded area that was the cesspool of their neighborhood. She said that an eight-foot wide walkway is not necessary for cyclists, walkers, and runners, especially since it essentially dead-ends. Ms. Reed noted that Albemarle Square has already indicated they would build a fence to prevent access. A recent crime had a perpetrator steal things from the mall, but checks and cash were found in Woodbrook as an accomplice must have cut through the woods. She said that "this is what makes people mistrust government," as there is a small group of people who will never have to live with the consequences of the decision they make. Ms. Reed is especially concerned about the Supervisors overturning the unanimous Planning Commission decision. This was not a logical decision. She asked the Board to reverse its prior decision.

Ms. Anne Hobson said that she has lived in Woodbrook almost 40 years – back when there was a lagoon. Ms. Hobson said that she is frightened at the prospect of a park behind her, as this will just be an entrance way to the malls and putting her in danger. She does not feel safe to walk her little dog particularly at night, because there is traffic through Woodbrook now. She commented that this is a poorly conceived development on very poor land. She encouraged the Board to think about what they are opening residents up to with free access from the malls in a dark, wooded area. Ms. Hobson said she is very appalled at the whole thing; Woodbrook is a good community. It has a good tax base. It has good schools. She said she thinks Arden is going to be a disaster eventually. She asked the Board to consider what they already have in Woodbrook.

Mr. Ron Berube said he is a Woodbrook resident and just wants to add his voice to those of his neighbors. He is dismayed about how the Board has come to ignore the opinions of its own Planning Commission as well as the neighborhood. He urged the Board to disapprove the walkway down to the lagoon. It seems to him that five feet would be plenty; there is no need for eight feet.

Mr. Gerry Petencin said that this all started out with the Arden developer's plan for a road through Woodbrook for commercial traffic – essentially through one cul-de-sac. He stated that the second hearing at the Planning Commission yielded a five-foot path, and the Board revisions caused a loss of trust in the process. Mr. Petencin emphasized that this is not a beautiful park setting, but is "nasty" and "overgrown with ticks." He added that Woodbrook residents are not opposed to having anyone else come into the neighborhood, but just not in the way that is being discussed.

Ms. Jenny Matthews said that decisions are often made based on the bottom line – and the bottom line here is that Woodbrook will stay a good place to live with good property values if there is not another entrance. She said that the only people who would benefit from this entrance are those who don't exist yet, as future tenants of the residences that are not yet built. She thinks it behooves the County to keep it as it is.

Mr. Mike Mueller said he has been a resident of Woodbrook for about a year and a half. In prior meetings the developer seemed to be willing to sign away his right-of-way for street access into Woodbrook, but there have been no further discussions on that. He does not understand how the path provides a benefit to the County in the long-term. Mr. Mueller added that he understood that the County would maintain the path. Why would the County take on that long-term responsibility? There is already a garbage problem in that area.

Mr. Fritz clarified that the applicant has indicated he is the one to maintain the path.

Mr. Rooker commented that this project started with a proposed road going into the Woodbrook neighborhood from the adjoining property, which he opposed – and he contacted Commissioners to indicate he thought it would be a disaster for the Woodbrook neighborhood. He added that there was discussion of a 10-foot path to connect to the Woodbrook neighborhood, then an eight-foot path that connected to the lagoon, and then a five-foot path connecting behind the Carmike. Mr. Rooker stated that several Commissioners called him and said they had made a mistake when they approved what they had approved. He said that there are no tax dollars to be spent on the path, but would be built and maintained by the developer of Arden Place. Mr. Rooker emphasized that a connection would allow people living in this area without going out onto Route 29, and it is proposed as an asphalt, multi-purpose path. He indicated that the staff report says the pedestrian path “will be built to ADA standards, will be eight feet in width, and will meet the county standards established in the design standards manual...the eight-foot width is recommended for mixed pedestrian and bicycle use. The owner/applicant of the apartment complex has agreed to maintain path and the open space.” Mr. Rooker added that in recent years where tax dollars have been allocated for mixed-use paths, the recommended width has been eight feet. He thinks the Board would be remiss not to have a path built, with private dollars, to the recommended specifications for mixed use. He added that he supports shortening of the path, but it is not intended for use by Woodbrook – it is intended for use by Arden Place residents. He hopes the Board will support staff’s recommendation.

Mr. Davis clarified that there would be two motions required to change the conditions of the acceptance – one to rescind the November 4, 2009 action of the Board in regard to the Arden Place open space acceptance.

Mr. Thomas said he would like to make that motion.

Mr. Fritz emphasized that the area [shown on map] is a stormwater management facility, and the applicant will have to construct a means to access it – although it does not have to be paved or graveled. He added that this is solely for access to this facility, regardless of any path.

Mr. Snow asked for clarification as to the location of Woodbrook and the lagoon. Mr. Fritz indicated the location on the map – with a portion of the path removed from the plan and another area still providing access to the stormwater management facility. He explained that the path will come in adjacent to Albemarle Square Shopping Center, will go into Arden Place and run behind it, and end behind the Carmike.

Mr. Dorrier asked if putting lights on the path might make residents feel safer.

Mr. Rooker responded that he does not think residents would want that, adding that this proposed path is very similar to the path that was built through Humphris Park that connects Webland Drive to Whitewood Road – used almost exclusively during the day.

Mr. Dorrier asked about crime in the area. Mr. Rooker said he does not think there is any more crime here than other similar areas.

Mr. Fritz added that there is an internal sidewalk adjacent to the Arden Place apartments and there will be lighting of the parking lots, but not lighting of the path between Arden and Albemarle Square.

Mr. Snow asked if the path could be fenced. Mr. Fritz said the accessway to the stormwater management facility could be gated. Although the applicant is not present, he thinks the applicant would agree. He added that the applicant’s representative called him today and stated they are willing to construct whatever is agreed upon.

**Motion** was then offered by Mr. Thomas to rescind the November 4, 2009 action of the Board in regard to Arden Place open space acceptance. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

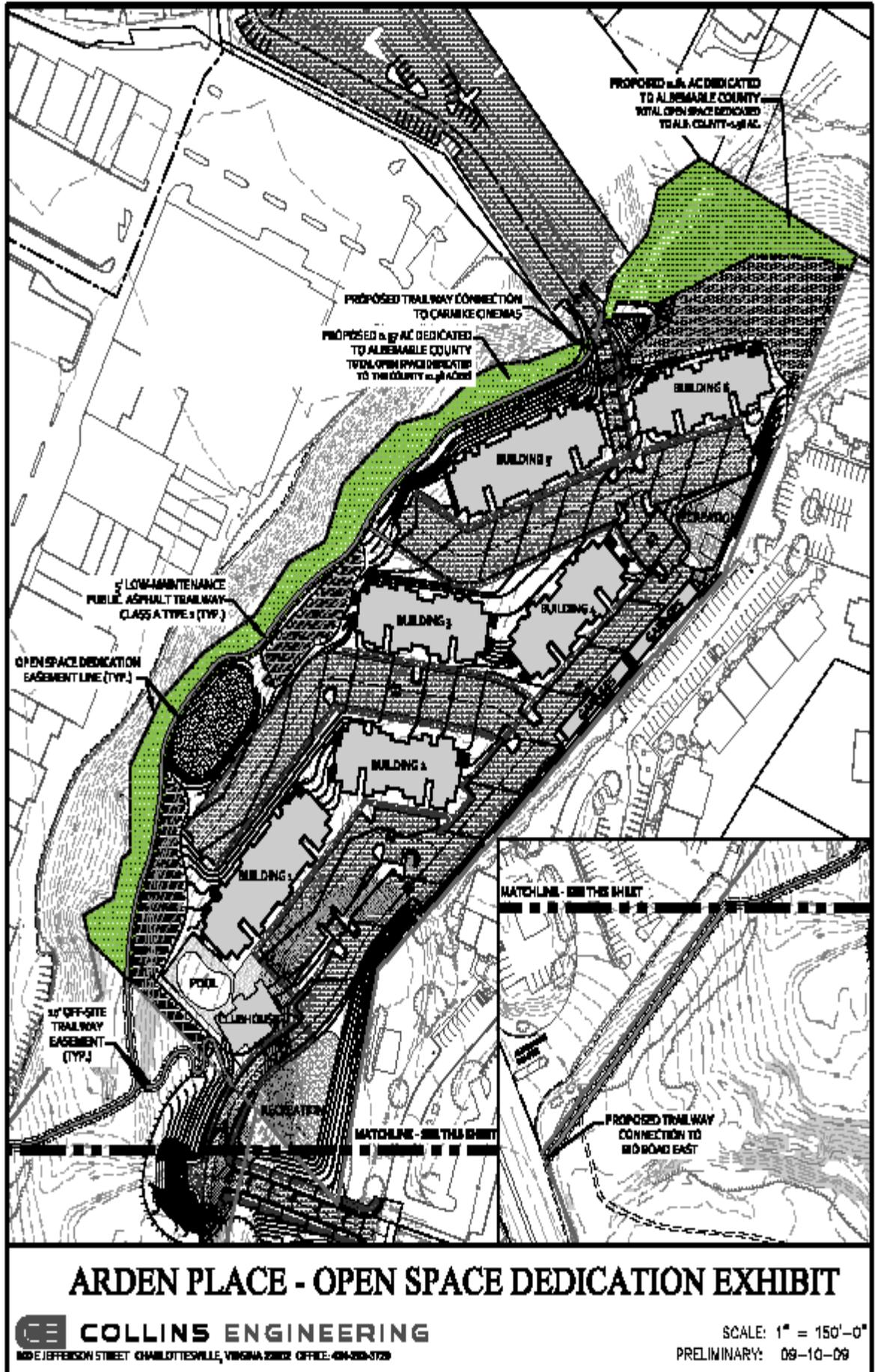
Mr. Davis stated that the motion necessary now is a motion to approve the density bonus in exchange for the dedication of open space as shown in Attachment D, and to authorize the County Executive to accept the dedication after the County Attorney has approved the deed of dedication and plat as to form and substance, along with whatever conditions are to be placed on the pathway.

Mr. Rooker **moved** to approve the density bonus in exchange for the dedication of open space as shown on Attachment D (set out below); to authorize the County Executive to accept the dedication after the County Attorney has approved the deed of dedication and plat as to form and substance along with the conditions that the path terminates as originally recommended by the Planning Commission, and that it

continue to be an eight foot path; and to request that the developer gate or block access through the stormwater pond. Mr. Thomas **seconded** the motion.

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

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



Agenda Item No. 12. University of Virginia Health Services Foundation Agreement for Payment in Lieu of Taxes.

Mr. Davis summarized the following executive summary that was provided to Board members:

"The University of Virginia Health Services Foundation ("HSF") is a Related Foundation of the University of Virginia created in 1981 to support the University of Virginia. In 1993, the HSF acquired real property for its use in the Fontaine Research Park ("Fontaine Property") and on Ivy Road ("Northridge Property"). In May of 1993, the County and HSF entered into an Agreement For Payment In Lieu Of Taxes which acknowledged that HSF was exempt from local real estate taxes but established that HSF would make an annual payment in lieu of taxes for the Fontaine Property. In 2009, HSF acquired additional properties on Fontaine Avenue for its use. As a result, the County initiated a review of the property tax-exempt status of HSF.

HSF has again provided the County sufficient documentation supporting its exemption from taxation. However, because of the acquisition of additional property since 1993 and changes in how the HSF property is used, a new Agreement For Payment In Lieu Of Taxes is proposed (ATTACHMENT A).

HSF acknowledges that it benefits from significant public services provided by the County. The premise of the new Agreement is that HSF will make payments in lieu of taxes for the real property that it owns that is not directly used by the University of Virginia for scientific, educational, or literary purposes. The proposed Agreement provides that HSF would make annual payments to the County equal to the amount of real estate taxes that would be due on any of its real property not directly leased to the University of Virginia or the University of Virginia Foundation for the direct benefit of the University of Virginia for literary, scientific or educational purposes. Currently, the Northridge Property and one-floor of the building on the Fontaine Property are leased to the University of Virginia.

Under the proposed Agreement, the amount of the payment in lieu of taxes for the Fontaine Property and Northridge Property will not significantly change. The remainder of the HSF property will continue to generate a payment equal to the amount of taxes that would be due on the full assessed value of the HSF property.

Mr. Davis said staff recommends that the Board approve the University of Virginia Health Services Foundation Agreement For Payment In Lieu Of Taxes and authorize the County Executive to execute the Agreement.

Ms. Mallek asked if new buildings would fall under this agreement or if they would have an agreement of their own.

Mr. Davis replied that this agreement would cover all property acquired in the future, unless it is leased to the University of Virginia.

**Motion** was offered by Mr. Boyd to authorize the County Executive to sign the University of Virginia Health Services Foundation Agreement for Payment in Lieu of Taxes. The motion was **seconded** by Mr. Snow. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The agreement is set out in full below:)

#### **UNIVERSITY OF VIRGINIA HEALTH SERVICES FOUNDATION AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

This Agreement For Payment In Lieu Of Taxes is made this 14<sup>th</sup> day of April, 2010 by and between the UNIVERSITY OF VIRGINIA HEALTH SERVICES FOUNDATION (the "Foundation"), a Virginia non-stock corporation, and the COUNTY OF ALBEMARLE, VIRGINIA (the "County"), a political subdivision of the Commonwealth of Virginia.

#### **RECITALS:**

R- 1. For purposes of this Agreement, the parties agree that pursuant to Title 58.1 of the *Code of Virginia* the Foundation is exempt from property taxation on its property, and the Foundation has supplied the County with sufficient information supporting its entitlement to exemption from taxation.

R-2. The Foundation owns certain real property that is not directly used by the University of Virginia for scientific, educational, or literary purposes. Because the Foundation acknowledges it benefits from significant public services provided by the County, the Foundation agrees to make annual payments equal to the amount of real estate taxes that would be due on any of its real property not leased to the University of Virginia or its governing body, or to the University of Virginia Foundation if such property is to be used for the direct benefit of the University of Virginia for literary, scientific or educational purposes, under the terms set forth in this Agreement

NOW THEREFORE, WITNESSETH that in consideration of the premises, the mutual promises made herein, and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the County and the Foundation hereby agree as follows:

1. The Foundation, and its successors and assigns, shall make annual payments to the County in lieu of taxes for any real property, or any portion thereof, that the Foundation owns that is not leased to the University of Virginia or its governing body, or to the University of Virginia Foundation if such property is to be used for the direct benefit of the University of Virginia for literary, scientific or educational purposes, on January 1<sup>st</sup> of the tax year. The Foundation shall make such annual payments based upon the general real estate tax rate then in effect; such payments being due and payable in two (2) installments, the first being due and payable on or before June 5<sup>th</sup> of the year for which such payments in lieu of taxes are assessed and the second being due and payable on or before December 5<sup>th</sup> of the year for which such payments in lieu of taxes are assessed. Penalty and interest applicable to Albemarle County real estate taxes shall be applied if the installments are not paid when due.

2. The supplemental tax assessment made by the County and billed in the County of Albemarle Tax Statement dated January 05, 2010 for tax parcels 07600-00-00-017B2 and 05900-00-00-023B0 shall be abated. No payment is or will be due from the Foundation as a result of such supplemental tax assessments.

3. This Agreement shall be effective for tax year 2010, and shall continue in full force and effect for each subsequent tax year for so long as the Foundation's property remains tax exempt pursuant to the laws of the Commonwealth of Virginia, unless otherwise modified by mutual agreement of the County and the Foundation.

4. This Agreement supersedes and replaces the May 1993 Agreement For Payment in Lieu of Taxes between the County and the Foundation for tax year 2010 and all tax years thereafter.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

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Agenda Item No. 13. From the Board: Matters Not Listed on the Agenda.

Mr. Rooker said Board members have received an invitation from Connie Brennan, Chair of Nelson County's Board of Supervisors, to attend a VaCo regional meeting in Fluvanna on April 20<sup>th</sup> at 6:00 p.m. The invitation asks this Board to designate a speaker from the Albemarle County Board of Supervisors.

Ms. Mallek said she plans to attend the meeting.

Mr. Rooker said that perhaps some remarks that are consistent with the letter the Board sent to Governor McDonnell on April 7, 2010, would be appropriate for this meeting.

Mr. Boyd said he has attended these meetings before as Chairman, representing positions of the Board. He supports the Chair attending.

Mr. Rooker said he could also attend the meeting if no other Board members are going.

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Agenda Item No. 14. Adjourn to Saturday, April 24, 2010, 1:30 p.m., Jefferson Madison Regional Library.

At 8:00 p.m., with no further business to come before the Board, **motion** was offered by Mr. Rooker, **seconded** by Mr. Snow, to adjourn the meeting to Saturday, April 24, 2010, 1:30 p.m., Jefferson Madison Regional Library. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Chairman

Approved by Board
Date: 07/07/2010
Initials: EWJ