

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 1, 2010, at 9:00 a.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, Clerk, Ella W. Jordan and Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the Chair, Ms. Mallek.

---

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

---

Agenda Item 4. Recognitions:

Item No. 4a. Morgan Butler, Fiscal Impact Advisory Committee.

Ms. Mallek expressed the Board's gratitude to Morgan Butler for his dedicated service to the Fiscal Impact Advisory Committee from August 2006 to July 2010. Mr. Butler's background as a Senior Attorney with the Southern Environmental Law Center brought to the Committee a level of expertise and experience that proved invaluable during the course of his tenure. As a Committee member, Mr. Butler most notably played a role in the development of the methodology that the County uses in calculating its cash proffer amounts for residential dwelling units. His professional experience, intelligence, and personable manner made Mr. Butler a highly effective member of the Committee. His contributions to the Committee's work were greatly appreciated, and his presence as a member of the Committee will be missed.

Ms. Mallek then provided Mr. Butler with a Certificate of Appreciation for his service.

---

Item No. 4b. Proclamation to commemorate the Jefferson Area Board for Aging (JABA) 35<sup>th</sup> Anniversary.

Ms. Mallek read the following Proclamation recognizing JABA for their 35 years of service. She also noted that JABA was instrumental as a catalyst for locally-grown food initiatives.

**JEFFERSON AREA BOARD FOR AGING  
35<sup>TH</sup> ANNIVERSARY**

- WHEREAS,** *the Jefferson Area Board for Aging (JABA) has served the needs of the aging community in the Thomas Jefferson Planning District since its founding as an Area Agency on Aging in 1975; and*
- WHEREAS,** *JABA has grown to become one of the most innovative and successful aging organizations in the nation, while remaining focused on the needs and desires of the community; and*
- WHEREAS,** *JABA has continually worked with state and local governments, educational institutions, private citizens, businesses, and other nonprofit organizations to fulfill its mission to promote, establish and preserve sustainable communities for healthy aging that benefit individuals and families of all ages; and*
- WHEREAS,** *JABA has been recognized repeatedly, at the national, state and regional level, as a leader in providing services to the aging community; and*
- WHEREAS,** *JABA led the development of the 2020 Plan: Aging in Community, a multi-year initiative preparing Central Virginia for the challenges and opportunities presented by the current unprecedented growth in the senior population; and*
- WHEREAS,** *JABA created the first and only center for adult day care in our area; and*
- WHEREAS,** *JABA has provided case management to over 2,000 persons annually to assure that the frail, at-risk elderly that JABA serves are assisted in accessing coordinated, cost effective and beneficial support; and*
- WHEREAS,** *JABA has served more than 2.5 million meals to the elderly through its community centers and home delivered meals program; and*
- WHEREAS,** *JABA has helped develop and preserve senior housing and assistant living opportunities in Central Virginia; and*

**WHEREAS,** *JABA has added more than \$25 million to the local economy with its community centers and housing construction projects;*

**NOW, THEREFORE, BE IT RESOLVED,** *that I, Ann H. Mallek, Chair on behalf of the Albemarle County Board of Supervisors, do hereby recognize JABA for its many contributions to this community over the years and urge all citizens to join in its 35<sup>th</sup> Anniversary celebration on **September 8, 2010.***

---

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

Mr. Thomas reported that he has been working with residents of Commonwealth Drive because of their concerns about heavy traffic on that road. He said that he met with VDOT representatives one day last week to discuss traffic-calming measures such as white lines on the side of the roads, and they sent him information on the "through-truck restriction program."

Ms. Mallek indicated that the neighbors would have to sign a petition in order to make that happen.

Mr. Thomas said he would keep Board members informed of any progress.

---

Mr. Boyd reported that last week he met with Ms. Camille Cooper, of PROTECT, and a representative from the County Police Department, City Police Department and Bedford County's Sheriff's Department, to discuss a grant for the purpose of funding to establish a police officer dedicated to internet crimes against children. He will keep Board members informed.

---

Mr. Snow reported that the subcommittee to evaluate combining the County and City's Social Services – which included Mr. Dorrier, and Mr. Satyendra Huja and Ms. Holly Edwards, from Charlottesville City Council, – has determined that there isn't really a way to combine services beyond what has already been done. Mr. Snow stated that each department employs 100 people, and finding a facility that would accommodate and house both staffs would be almost impossible without a huge investment. He added that in each case, employees are extremely overworked, and there would be no cost savings realized through reductions by combining personnel. Mr. Snow stated that it could potentially cost millions to combine the two agencies, and each has acknowledged that they already work cooperatively and meet together. With that in mind, he informed Ms. Kathy Ralston, Director of the County's Social Services Department, that unless the Board deemed otherwise, he does not see the need to invest any further time in this issue.

Mr. Dorrier said he supports Mr. Snow's synopsis of the outcome.

Mr. Rooker commented that this is consistent with previous studies of this issue, which have determined that due to State and Federal overlay requirements, the large number of employees and understaffing, it is unlikely that money would be saved. The only reason for pursuing this discussion would be to save money or provide improved services at the same cost. He agrees that if the committee concluded that that is not the case, there is no reason to pursue it further.

Mr. Boyd agreed.

Ms. Mallek agreed.

---

Mr. Dorrier said that the committee on the Virginia Sesquicentennial of the American Civil War has been meeting. The committee has been working out of the City tourism office. He has been attending the meetings as has Ms. Lee Catlin. He would like for the County to have a beneficial role in planning the events. He would like for the County to set up a committee to come back with a proposal as to how the County can best achieve the goals of the Sesquicentennial Committee and how to work better with the City and other local governments involved with the planning.

Ms. Mallek said that it will be important to include school representatives as well, and suggested that Mr. Tucker look into it.

Mr. Tucker suggested working with the existing committee and bring back a recommendation to the Board.

Mr. Rooker commented that the Journey Through Hallow Ground certainly has some plans, and perhaps the County should participate in a larger way with what they are planning and in conjunction with other localities.

---

Mr. Rooker said he serves on the VACo Transportation Committee. The Committee approved a final statement on the deplorable state of transportation funding. He then read the following part of the statement: "VACo contends that an efficient transportation network is critical to a healthy economy, job creation, a cleaner environment, enhanced public safety and better quality of life. To eliminate the revenue shortfalls that have caused Virginia's transportation infrastructure to deteriorate at an alarming rate, VACo urges the Governor of Virginia and the Virginia General Assembly to enact a funding package

for transportation with new revenues that are separate from the General Fund – stable, recurring, and sufficient to meet Virginia’s well-documented transportation needs for highways, transit, and all other modes. New revenues should include, but not be limited to, gas-tax revenues. Transferring State General Funds to transportation neither adequately supports documented, recurring transportation needs, nor serves to protect the Commonwealth’s additional core services including public education, healthcare, mental health and retardation, and public safety. VACo is alarmed by the elimination of formula allocations for secondary roads and contends that these funds must be restored.”

Mr. Rooker said that he has recommended that the Committee hold a press conference on the steps of the capital when the General Assembly opens to try to garner more attention for the transportation funding problems in the State.

---

Mr. Rooker said that the National Association of Insurance Commissioners fall 2009 survey indicates that the cost of health insurance is expected to increase an average of 11-16% each year for the next five years, which will hit budgets nationwide and will be a significant factor.

---

Mr. Rooker noted that Mr. Gary Grant had sent around an assessment of library facilities and he was somewhat alarmed at the statements about the Crozet Library in its current condition, which is inadequate from a functional standpoint and appears to have safety concerns as well. He stated that the County needs to accelerate its plan to get the library done and needs to look at creative approaches such as lease-purchase option with a private firm.

Mr. Rooker said he thinks the combination of the horrible state of the existing library, the need to give Downtown Crozet the kind of shot in the arm from a public improvement of that nature, and the current bidding climate, makes it essential that the Board take a very hard look at trying to find a way to do something. He thinks that perpetuating the current circumstance is not only in the public disinterest, but poses liability issues for the County and for the Library Board.

Mr. Thomas noted that he had spoken earlier this week with the manager of a piece of property in Crozet, who mentioned two buildings that are available and could possibly be rented.

Ms. Mallek asked him to share the contact information, so she did not duplicate any efforts. She also expressed her disappointment that the federal funds did not come through.

Mr. Rooker responded that there are also private firms out there that would be interested in building a new library and leasing it to the County with an option to purchase. He added that it may be possible for the County to provide input into design features and perhaps realize a cost savings.

Ms. Mallek pointed out that the savings was about 40 percent on the purchase price of a very similar library that was put to bid in May.

Mr. Thomas added that the two facilities he mentioned may have issues with the floors, as they may not be strong enough to hold heavy books.

Mr. Tucker encouraged Board members to keep Mr. Bill Letteri, of the County’s Office of Facilities Development, in the loop.

---

Ms. Mallek noted that there has been an official request from the applicants for the Whittington project (Agenda Item No. 11) to defer the request. The request did come within the time period that the Board needs to concur on the deferral. She suggested discussing this request at this time in case members of the public are present for the public hearing.

Board members concurred with the applicant’s request for deferral.

Mr. Thomas **moved** to defer the Whittington PRD amendment until October 6, 2010 as requested by the applicant. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

---

Ms. Mallek reported that there have been several fires reported in the news lately. RACE has been used by the International Fire Service Training Association to help firefighters and members of the public remember the steps to follow in case of fire – with the most important one being not to wait to call or get out of a burning building. She explained that “R” stands for remove – remove people from the immediate area, do not put yourself in harm’s way, but help people who may need assistance. “A” stands for alarm - call 911 immediately even if you end up taking care of it yourself, you still need to get help on the way. “C” stands for confine - closing doors and windows to the room on fire helps to cut down on the oxygen available and, therefore, will slow the fire. “E” stands for extinguish – extinguish the fire on your way out only if you have been properly trained to use the extinguisher and only after all the other steps have been taken care of.

---

Ms. Mallek stated that she is the Board's representative on the Piedmont Workforce Network. One of their most exciting initiatives has been the development of the One-Stop Workforce Center – which provides job-seeker services and training for displaced workers or workers whose jobs have been lost. They also provide information on improving skills to gain better employment. She said that there would be some upcoming help from those who work in Human Resources around the area – with the Albemarle County Human Resources Association Workforce Readiness Committee, in partnership with the Workforce Center, to provide one-on-one career coaching services at the One Stop on Hydraulic Road on September 8, 15, and 22, 2010. Ms. Mallek stated that members of this Association, who work at various large industries and the University of Virginia and Piedmont Virginia Community College, would be volunteering their time in providing advice on job-searching skills to the customers of the One-Stop in preparation for the upcoming Charlottesville Community Job Fair on September 29, 2010. She indicated that further information could be obtained at the Workforce Center, and donated professional attire would be available to job-seekers to further enhance their opportunities to find employment.

---

Ms. Mallek also reported that the Piedmont Area Preservation Alliance is having their annual fall gathering at Tiverton, located in Greenwood, on Thursday, September 23, 2010 at 5:30 p.m. She said that the event would feature refreshments and information about the Greenwood Rural Historic District, as well as an opportunity to learn about historic tax credits, etc.

---

Ms. Mallek reported that the Albemarle County High School Drama Club raised money for several years, and were chosen to perform at a big international drama festival in Scotland. She said that they put on five different performances and were part of a big theatre scene there.

---

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

Ms. Sharon Ackerman also introduced Ms. Stacy Norris, who was present with her. She said that she and others who have been working on the tethering ordinance have learned a few things in the process: a short time limit (less than three hours) is more enforceable; a lead-in period of 12-18 months for public awareness is critical; an appropriate enclosure should be identified, including square feet of space and access to food, water and shelter – as well as a shelter definition that includes a house of wood and bedding, water, and sufficient windproof. The goal of this is to prevent the confinement of a dog in a tiny cramped pen. Ms. Ackerman added that building a fence establishes some degree of owner investment in the pet, which is sometimes missing. She noted that she has provided Board members with a copy of the Danville ordinance, along with that SPCA Director's comments – and one dog was relinquished in a 12-month time period because of the chaining ordinance, not thousands as predicted. Ms. Ackerman indicated that she has also shared the Orange County, North Carolina ordinance – which is also three hours – and out of 513 dogs relinquished in a one-year period, only two were relinquished because of anti-chaining. At the end of the third phase of the follow-up study of that ordinance, 75 of 122 known chaining cases had already closed so compliance was already in effect. Ms. Ackerman stated that she has also provided a question and answer session from Orange County, NC, which establishes the main themes for and against anti-tethering. She added that there is a correlation between chaining and neglect, and presented examples of animal cruelty in Virginia. Ms. Ackerman stated that she has also included comments from Richard Samuels, who worked on the dog-fighting task force in Virginia. She also shared a story with the Board about one specific dog in Danville.

---

Ms. Emily Kinnaird said that Ms. Ackerman has done a remarkable amount of work and preparation in support of the tethering legislation, and she is speaking to endorse the ordinance. She said that the AVMA national organization is concerned about tethering for the welfare of the dogs, and as a veterinarian she sees animals with choking injuries and attacks from other dogs, as well as heat exhaustion. Ms. Kinnaird said that she has also seen dogs with collars embedded into their skin as their collars are never changed as they grow. It is a sickening spectacle. She added that tethering is consistently one of the risk factors associated with severe and fatal dog attacks. She said that it is a complicated issue. Albemarle does not have to reinvent the wheel because there are many other localities that have worked on and adopted these ordinances.

Mr. Dorrier asked what the SPCA is doing to ensure that there is no animal cruelty.

Ms. Kinnaird responded that they support a multitude of welfare laws, including this one.

Mr. Dorrier stated that this is certainly cruelty of animals, which the Society is charged with preventing.

Mr. Rooker noted that the SPCA doesn't have the legal capacity to stop it, except for supporting localities to put in ordinances such as this one.

Mr. Snow asked if staff was working on this.

Mr. Davis replied that they are; Ms. Jenny Lyttle, from his office, is working with the Animal Control Officers and Police Department on research and a recommendation that will be brought to the Board in October.

Ms. Mallek added that all the information citizens brought forward have been passed to Mr. Davis for inclusion in their work.

---

Mr. David Blount, TJPDC Legislative Liaison, said that he is going to Boards and Councils in September to get input for the Legislative Program. He will be drafting the program and sending it out no later than the first of October. He hopes to come back to the Boards and Councils for approval of the Program in November.

Mr. Blount reported that the Program format would be the same, with a short list of priority items along with ongoing policy and position statements followed by items that have been requested from localities throughout the region. He said that the priorities in the Program are not new; they are positions that have been priorities of the region for a number of years – State funding obligations, transportation, public education funding, as well as land-use and growth-management policies. Mr. Blount noted that they are written very broadly so as to allow flexibility for them to react and respond within broad parameters. He said that he also hopes to engage over the coming year the Mayors and Chairs to examine the program and how it is derived and presented, with a focus on better presentation.

Mr. Blount said that last year he indicated that the State's fiscal challenges would be driving legislative priorities for a number of years, and that continues to be the case. He noted that public education took a hit last year, with per-pupil expenditures down about \$700 in FY11. There were some things the General Assembly did to provide additional flexibility in meeting requirements. Mr. Blount added that the State would still be under those pressures this coming session, with increased debt-service requirements and VRS repayments adding additional pressure. He thinks they also need to be cognizant of local revenue authority. He said that there has also been discussion of altering BPOL and other local taxes or even eliminating them altogether. He asked that if Board members have any additions for inclusion in the Program to get them to him in the next couple of weeks, and he will provide a draft back to the Board.

Ms. Mallek added that the VACo Agriculture and Environment Committee did adopt a resolution on the Ag/Forestry request and hopefully they can get support at the Planning District level.

Mr. Blount said the items and priorities approved by this Board last month will be incorporated into the regional program.

Mr. Snow said that the last article he read indicated that the BPOL taxes might be eliminated, but there was nothing in the works to help localities replace that income.

Mr. Blount responded that there has been recognition of the need to replenish those funds, but he hasn't seen any specific new taxing measures advocated to replace the BPOL income. He added that the work of the Jobs Commission would be wrapping up with a recommendation expected by September 30.

Mr. Dorrier asked about the possibility of a gas tax.

Mr. Blount responded that the Governor has indicated he has a plan, but this is an election year for all 140 seats and there may not be much appetite for a gas tax or any other tax increase this coming General Assembly session.

---

Mr. Frank Melli said that he is the sole proprietor of Melli Productions, which produces "Meet the Farmer" television – broadcast seven days a week on cable-TV 10, as well as nationally on Dish Network. He said that they work very closely with JABA, and did a video on how to incorporate meal planning and use local food institutionally. Mr. Melli said that the local area has the second-largest local food voice in the country, and he would like to help create research and studies that support why these efforts are so important. He added that agriculturally the area has a very rare and genuine situation with the Jefferson legacy and modern efforts, and there would be a missed opportunity if this were not carried forward.

---

Mr. John Martin, a resident of Free Union, said that although he is Vice Chair of the Albemarle County Service Authority, he is speaking as an individual. Mr. Martin stated that in 2006 following many years of hard work and study, this community approved a future water supply plan, and state government subsequently issued a permit to proceed. He said that there was unanimous agreement on the plan from County government, City government, ACSA, and RWSA, with the vote being a legislative act. Since that time following several City elections, some concerns developed on City Council regarding the Plan. Mr. Martin said that City Council will meet tomorrow to decide whether to adopt a different plan, but any change can only occur through agreement by all of the parties and not brute force. He stated that an RWSA Board of Directors majority vote would be required to change the adopted plan, but there has been a lingering question as to how the City intends to proceed should it ultimately decide to recommend an alternative water supply plan. Mr. Martin noted that at the four-boards meeting on March 3, 2009, the Mayor of Charlottesville stated that "if the City is not behind the water supply plan, the path forward is not going to happen." He added that the Daily Progress on March 4, 2009 also reported that Mayor Norris said "I hate to say it, but we hold all the cards said Charlottesville Mayor David Norris. The area's long term water supply plan will not move forward without the City's support and that's not a threat, that's a reality." Mr. Martin said that these statements present the lingering concern that if the City chooses to recommend an alternative water supply plan, but is unable to obtain a majority vote of the RWSA Board of Directors, the City will proceed to obstruct implementation of the approved water supply plan to force the County to its knees to agree to the City's demands. He hopes this would not be the City's intention

because this would constitute a breakdown of civil order. Unless the City and County honor their commitments one to the other, this community cannot function. Accordingly, County government should communicate to City government that the County will be happy to consider any alternative water supply plan the City wishes to suggest but absent an agreement to change the approved water supply plan, the County will expect the City to honor its commitments. Mr. Martin said at stake is community health, safety and welfare – and our future.

---

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

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

NAYS: None.

---

Item No. 7.1. Approval of Minutes: May 5 and June 2, 2010.

Ms. Mallek had read the minutes of May 5, 2010, pages 1-20 (end #13), and found them to be in order.

Mr. Thomas had read the minutes of June 2, 2010, pages 1-30, and found them to be in order.

Mr. Dorrier had read the minutes of June 2, 2010, pages 31-55, and found them to be in order.

Mr. Snow had read the minutes of June 2, 2010, pages 56-end, and found them to be in order

**By the above-recorded vote, the Board approved the minutes as read.**

---

Item No. 7.2. Fiscal Year 2011 Community Services Performance Contract for Region Ten.

The executive summary states that each year, the Virginia Department of Behavioral Health & Developmental Services (DBHDS) requires Community Service Boards (CSBs) to enter into Community Service Performance Contracts for the delivery of certain services in their respective communities. Although Region Ten, as the designated CSB for Albemarle County, is the representative party to this Contract, federal and state regulations require that local governing bodies approve the contract in order for the CSB to be eligible to receive funding.

Annual Community Services Performance Contracts between the DBHDS and CSBs delineate the responsibilities of the Commonwealth and the CSBs for the delivery of mental health, mental retardation and substance abuse services in their respective service areas. These contracts describe sources of funding for the CSB, stipulate requirements for compliance with federal regulations and establish performance measures. Virginia Code § 37.2-508(D) requires that the local governing bodies that have established a CSB approve the Contract in order for the CSB to be eligible to receive state-controlled funds for identified services. Staff has reviewed the proposed Contract and found no terms that are objectionable to the County.

The County's FY11 appropriation for Region Ten totals \$569,531. Of this amount, \$437,236 is identified as "comprehensive services," including outpatient, case management, emergency, day support, residential, prevention and early intervention services for mental health, mental retardation, and substance use disorders and prevention. The balance of funding (\$132,295) represents the County's share of local programs funded by the City and County such as the Mohr Center, jail services, children services and early intervention grants for children.

Staff recommends that the Board approve the Fiscal Year 2011 Community Services Performance Contract.

**(Discussion:** Ms. Mallek said last year she raised the issue about the performance standards, including effectiveness and success rates.

Mr. Bryan Elliott, Assistant County Executive, said that included in the performance contract for FY11, which is also a new requirement of the State, there are five measures being compiled by the Community Service Board on a quarterly basis. He has requested that information from Region Ten for FY10 – as it is part of their performance contract. Staff will forward that data to the Board when it is received.)

**By the above-recorded vote, the Board approved the Fiscal Year 2011 Community Services Performance Contract (copy on file in Clerk's office).**

---

Item No. 7.3. FY 2010 Budget Amendment and Appropriations.

The executive summary states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the

total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of the new requested FY 2010 appropriations, itemized below, is \$36,360.65. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of two (2) FY 2010 appropriations as follows:

- One (1) appropriation (#2010098) transferring \$59,000.00 to the Old Crozet School Operations from Capital Facilities Maintenance; and
- One (1) appropriation (#2010099) totaling \$36,360.65 for various school programs.

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$36,360.65 and the approval of Appropriations #2010098 and #2010099.

\*\*\*\*\*

**Appropriation #2010098 \$ 59,000.00**

Revenue Source: Gen Gov't CIP Fund Balance \$59,000.00

This request transfers \$59,000.00 to the Old Crozet School Operations from Capital Facilities Maintenance as a result of the generated rental revenue. During the first term of the rental lease, certain pre-approved costs associated with alterations, additions, or improvements made by the tenant were eligible to be deducted from the tenant's rent payments during that term. The limit of those reductions was \$42,310.35. Additionally, the County made certain repairs to the facility, such as the removal of asbestos floor tile that were charged to this account. In order to easily track all maintenance cost of the facility, these projects were charged to the old Crozet school budget with the understanding that General Services would request a re-appropriation at the end of the year.

**Appropriation #2010099 \$36,360.65**

Revenue Source: Local Revenue \$ 13,910.65  
 Federal Revenue \$ 22,450.00

Through various fundraisers and a donation from the Elmo Foundation, Henley Middle School has raised a total of \$13,910.65 to be used towards the installation costs of solar panels at the school. These monies along with the \$7,500.00 grant awarded by the Dominion Educational Partnership and \$11,452.45 in funds collected last year will be retained in this fund until the goal of \$42,000.00 is met and the implementation of the project can begin. The current fund balance is \$32,863.10.

The Pre-School Special Education Grant provides supplemental support for the existing pre-school program by funding part-time teaching assistants to serve pre-school students during the regular school year and personnel who provide services to pre-school students in an extended school year program provided during the summer. Expenditures exceeded appropriations in FY 09/10 due to an increase in the number of teaching assistants needed to support the program. This appropriation request for \$22,450.00 covers the increase and balances this fund.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$36,360.65 and APPROVED Appropriations #2010098 and #2010099.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010098  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Old Crozet School Operating Budget Adjustment

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9010	43100	800666	Public Works: Maint Facility	J 1	(59,000.00)		
1	9010	93010	930218	TRS. OLD CROZET SCHOOL	J 1	59,000.00		
2	8610	51000	512090	TRS. FR.- G/F CIP	J 2	59,000.00		
2	8610	15000	150262	RENT: OLD CROZET SCHOOL	J 2	(59,000.00)		
<b>TOTAL</b>						<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

\*\*\*\*\*

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2010099  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** School Board Meeting: August 12, 2010

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	3104	18100	181153	Henley Solar Panels Project	J 2	13,910.65		
1	3104	62421	800621	Solar Panels - Henley	J 1	13,910.65		
	3104		0501	Est. Revenue			13,910.65	
			0701	Appropriation				13,910.65

2	3205	33000	330111	Pre-School Special Ed Grant	J	2	22,450.00		
1	3205	61108	114100	Salaries - TA	J	1	19,950.00		
1	3205	61108	210000	FICA	J	1	1,567.00		
1	3205	61108	231000	Health Insurance	J	1	703.00		
1	3205	61108	242000	Group Life - PT	J	1	230.00		
	3205		0501	Est. Revenue				22,450.00	
			0701	Appropriation					22,450.00
<b>TOTAL</b>							<b>72,721.30</b>	<b>36,360.65</b>	<b>36,360.65</b>

Item No. 7.4. FY 2011 Budget Amendment and Appropriations.

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

The total of the new requested FY 2011 appropriations, itemized below, is \$ 729,666.28. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of eight (8) FY 2011 appropriations as follows:

- One (1) appropriation (#2011022) totaling \$2,000 reappropriating and appropriating restitution fees for the Sheriff's Office Hunting Control Program;
- One (1) appropriation (#2011023) totaling \$38,000.00 for the Avemore Bond Default;
- One (1) appropriation (#2011024) totaling \$319,906.65 reappropriating general government capital projects;
- One (1) appropriation (#2011025) totaling \$11,020.00 for the revenue received for the Meadows Center rent and Lane field lights;
- One (1) appropriation (#2011026) totaling \$54,000.00 for a grant received by the Police Department from DMV grant - Enhancing Traffic Safety;
- One (1) appropriation (#2011027) totaling \$266,982.63 for various education programs;
- One (1) appropriation (#2011028) totaling \$18,437.00 for a grant received by the Emergency Communications Center from the Virginia Department of Emergency Management; and
- One (1) appropriation (#2011029) totaling \$19,320.00 for a grant received by the Sheriff's Office from DMV – Operation Hammerdown.

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$ 729,666.28 and the approval of Appropriations #2011022, #2011023, #2011024, #2011025, #2011026, #2011027, #2011028, and #2011029.

\*\*\*\*\*

**Appropriation #2011022 **\$ 2,000.00****

Revenue Source:	Local Revenue:	\$ 1,800.00
	Fund Balance	\$ 200.00

This request appropriates a total of \$2,000.00 that a citizen of Albemarle County paid in restitution fees to the Sheriff's Office for damage to a decoy deer. An amount of \$200.00 was paid in FY 2009-2010 and is therefore being appropriated from the fund balance. These funds will support the Sheriff's Office Hunting Control Program.

**Appropriation #2011023 **\$ 38,000.00****

Revenue Source:	Other Fund Balance	\$ 38,000.00
-----------------	--------------------	--------------

The developer of Avemore Phase II, Avemore, LLC & Bailey House, LP provided a performance bond to the County for the development of Avemore Phase II covering the water protection - erosion & sediment control improvements. The bond totaled \$38,000 and was secured by a letter of credit from Wachovia Bank. In January 2009 the County received a notice from Wachovia Bank that the letter of credit securing the bond would not be renewed beyond the current expiration. Because Avemore, LLC & Bailey House, LP were unable to get Wachovia Bank to renew the letter of credit and did not provide a replacement performance bond, the County demanded payment on the letter of credit securing the bond in April 2009.

This request is to appropriate the proceeds from the letter of credit to an expenditure account. The developer has completed the bonded improvements and the County will be required to return the funds to Wachovia Bank.

**Appropriation #2011024 **\$319,906.65****

Revenue Source:	Loan Proceeds:	\$ 109,535.65
	Gen. Govt. CIP Fund Bal.	\$ 210,371.00

This request reappropriates a portion of the remaining balances of active General Government Capital Improvement projects that were uncompleted as of June 30, 2009. The projects included in this request are:

- Fire Rescue Apparatus which have been purchased and require payment;
- Fire Department Emergency Radio Notification which completes the purchase of pagers; and
- Fire Department Mobile Data Computer project which supports the purchase of toughbooks and related software enabling the EMS Cost Recovery system to be paperless. Procurement was anticipated to occur during the end of Fiscal Year 2009/10 but was delayed in order to comply with State regulations for EMS.

**Appropriation #2011025** **\$ 11,020.00**

Revenue Source: Local Revenue: \$ 11,020.00

This request appropriates a total of \$11,020.00 in revenue received by the County for costs associated with the annual rental of the Meadows Community Center and the annual use of electricity at the Lane fields. The annual rent for the Meadows will be \$6,000. The estimated annual electric cost for Lane is \$5,020.

In the FY 10-11 budget, County funding was eliminated for the Meadows Community Center operation and the electrical cost for the lights and concession for the Lane field. After discussions/negotiations with both the Jordan Development Corporation and the Lane League, the County has agreed to continue to pay the expenses for the Meadows Community Center and the Lane fields electricity, but will recover these expenses in rent paid to the County by the Jordan Development Corporation for the Meadows Community Center and by billing the Lane League for the electric costs quarterly.

**Appropriation #2011026** **\$ 54,000.00**

Revenue Source: Federal Revenue: \$ 54,000.00

Grant #154AL-2011-51211-4153 - DMV - Enhancing Traffic Safety: The Commonwealth of Virginia - DMV has awarded the Albemarle County Police Department a grant in the amount of \$45,000 with a local match of \$9,000 for a total grant of \$54,000. This grant will assist in the purchase of radar units and breath testing units, and will help fund training for Basic Crash Investigation School. In addition, the grant will help fund overtime hours for DUI checkpoints and increased saturation of trouble spots on primary and secondary roads.

**Appropriation #2011027** **\$ 266,982.63**

Revenue Source: Local Revenue: \$ 20,525.09  
Federal Revenue: \$ 213,838.31  
School Fund Balance: \$ 32,619.23

Albemarle County Schools has been awarded additional funds totaling \$15,625.74 for Migrant Education Programs (MEPs) under a United States Department of Education (USED) Literacy Education and Reading Network (LEARN) Consortium Incentive Grant (CIG). The grant requires State Educational Agencies (SEAs) to make consortium arrangements with other states to apply for the funds. The grant is designed to improve interstate and intrastate coordination of migrant education programs. Virginia, as a part of the Literacy Education And Reading Network (LEARN), will develop reading lessons/resources, scientifically-based writing and study skills lessons/resources, materials for parents to use with their children that align with the literacy lessons, a comprehensive literacy success plan, and a graduation plan to help MEP staff work with students in grades 7-12 and Out of School Youth (OSY) to identify and address barriers to high school graduation. The LEARN Consortium has 18 member states, eight of which are small states with a migrant population similar to Virginia's population. These states are: Arkansas, Colorado, Hawaii, Idaho, Louisiana, Minnesota, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah (lead state), Vermont, and Virginia. The Albemarle Regional Migrant Education program will review, field test, and provide feedback on LEARN instructional materials; communicate, collaborate, and share information about results among consortium states, local/regional resources, and technical assistance providers; and complete evaluation surveys, and participate in interviews about project implementation, outcomes, successes, and areas needing improvement.

Mary Carr Greer Elementary School received \$104,879.90 from the Virginia Department of Education School Improvement Funds under Title I, Part A, Section 1003(g) of the No Child Left Behind Act of 2001 (NCLB) for FY 09/10. The funds were used to pay for a Literacy Specialist (Coach) whose priority was to work coaching grade level teams to design high-quality assessments and analyze student assessment data on a weekly basis at the grade level PLCs and to purchase non-fiction/historical fiction content-based books for students. Schools are requesting that the fund balance retained by the state in the amount of \$4,307.50 be re-appropriated for FY10/11 to purchase non-fiction reading material on all levels.

The mission of the Safe and Drug-Free Schools Fund is to establish, operate and improve school programs for drug and violence prevention and early intervention, through funding for substance abuse education materials, and a contract with Region Ten to assist students with conflict resolution, anger management, and drug prevention, all in support of the Division's strategic plan. The Safe and Drug-Free Schools Grant is responsible for the following major programs and/or services: Too Good for Drugs II Curriculum and Region Ten Counseling Services. Schools are requesting that the fund balance retained by the state in the amount of \$19,337.07 be re-appropriated for FY10/11 for contract services with Region Ten and to purchase "Too Good for Drugs II workbooks".

The mission of the Community Public Charter School Grant is to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles; developing the whole child intellectually, emotionally, physically, and socially. Seeking to serve students who have not succeeded in school, the program will close their achievement gap by offering a balance of

literacy tutorials and an arts-infused curriculum in support of the Division's strategic plan. The Community Public Charter School Grant is responsible for the following major programs and/or services: 6th and 7th Grade Instructional Program, Literacy and Arts Infused Education, Choice Theory School Development, and Mastery Learning.

There is a local fund balance retained by the Community Public Charter School in the amount of \$32,619.23. These funds are an accumulation of anonymous donations received in FY 09/10. Schools are requesting that these funds be re-appropriated for FY10/11 to cover salary and benefits.

Albemarle County Public Schools has been approved for additional School Improvement Funds under Title I, Part A, Section 1003(a) of the No Child Left Behind Act of 2001 (NCLB). The approved school, Mary Carr Greer Elementary School, has been awarded \$174,568.00. These funds will be used to support two Instructional Coaches (1.7 FTE) and various purchased services including Responsive Classroom Training, Expeditionary Learning Professional Development, and Teach First Formative Assessment. This grant will also purchase digital cameras and iPads.

Utopian Wireless has agreed to pay the Albemarle County Public Schools in monthly installments for the lease of its broadband channel capacity. Two checks from Utopian Wireless totaling \$17,300.00 were received for their June payment. Albemarle County Public Schools is committed to maximizing student achievement and fostering collaboration amongst professional learning communities and stakeholders. Funds received from Utopian Wireless will be used to acquire specialized contracted services needed to migrate the current ACPS Intranet system to a new, functionally enhanced platform that will also serve as the foundation for future development. This foundation will serve as an optimized environment that will allow for increased collaboration and communication. Future development will involve deployment of a security gateway, single sign-on platform, collaboration environments, social networking and user profiles.

Funds were collected in the amount of \$2,675.09 for two summer sports camp to focus on pole vaulting and basketball. These funds are to reimburse the division for the expense related to stipends for coaches who taught the summer camp in this area.

The recent personal property tax mailing included a form for taxpayers to make a donation to the Local Government or School Division and included an option for donors to specify what the donation would fund. A donation in the amount of \$500.00 was made to Stony Point Elementary School.

Western Albemarle High School ("WAHS") received a cash donation in the amount of \$50.00. This donation was made to help fund the installation of a synthetic turf field at WAHS. The current balance for the FY 10/11 WAHS Synthetic Turf Project is \$50.00 including this donation. The balance from previous fiscal years is \$34,348.66 for a grand total of \$34,398.66. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring WAHS to raise an additional \$290,601.34 to secure matching funds. The balance required to secure construction is \$650,000.00.

<b>Appropriation #2011028</b>		<b>\$ 18,437.00</b>
Revenue Source:	Federal Revenue:	\$ 18,437.00

This request appropriates a total of \$18,437.00 in grant revenue received by the Emergency Communications Center (ECC) from the Department of Homeland Security (DHS) channeled through the Virginia Department of Emergency Management (VDEM) for an Emergency Management reimbursable grant. The grant is from the 2009 Emergency Management Program (CFDA# 97.042). The purpose of the grant is to enhance the regional emergency operations center (EOC) through the purchase of new telephones, laptop computers and other equipment and supplies required to effectively manage disasters and disaster exercises. There is an in-kind match that will be met by ECC, IT and Emergency Management staff time but there is no cash match.

<b>Appropriation #2011029</b>		<b>\$ 19,320.00</b>
Revenue Source:	Federal Revenue:	\$ 16,100.00
	Fund Balance:	\$ 3,220.00

This request appropriates a total of \$19,320.00 in grant revenue received by the Sheriff's Office from the Department of Motor Vehicles (DMV.) Grant #154AL-2011-51263-4205 - Operation Hammerdown: The Commonwealth of Virginia - DMV has awarded the Albemarle County Sheriff's Office a grant in the amount of \$16,100 with a local match of \$3,220 for a total grant of \$19,320. This grant will assist in the purchase of radar units and will help fund overtime hours for DUI checkpoints and speed enforcement.

**(Discussion:** Ms. Mallek asked about the payment on the pagers, noting that at the Fire and Rescue Advisory Board meeting last Wednesday there was a discussion that they were not testing out properly and she asked if it was sensible to withhold payment until they are working.

Mr. John Oprandy, of Fire and Rescue, responded that there are still issues to be resolved, but there has been a grant received to cover much of the cost of the pagers – and this measure is just to ensure the money is there to complete the purchase.)

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$ 729,666.28 and approved Appropriations #2011022, #2011023, #2011024, #2011025, #2011026, #2011027, #2011028, and #2011029.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011022  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Restitution Fees - Sheriff's Office

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	51000	510100	Appropriation - Fund Balance	J 2	\$200.00		
2	1000	19000	190255	Restitution	J 2	\$1,800.00		
1	1000	21072	601000	Hunting Control - Police Supplies	J 1	\$2,000.00		
			0501	Est. Revenue			2,000.00	
			0701	Appropriation				2,000.00
<b>TOTAL</b>						<b>4,000.00</b>	<b>2,000.00</b>	<b>2,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011023  
 DATE 9/1/2010  
 BATCH #**

**EXPLANATION:** Avemore Bond Default

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9012	41000	410715	Avemore Phase II Bond Default	J 2	38,000.00		
1	9012	90900	940081	Avemore Phase II Bond Default	J 1	38,000.00		
	9012		0501	Est. Revenue			38,000.00	
			0701	Appropriation				38,000.00
<b>TOTAL</b>						<b>76,000.00</b>	<b>38,000.00</b>	<b>38,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011024  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Reappropriating costs related to various general government capital projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9010	32010	800313	Fire Dept EMG Radio Notif. Sys	J 1	5,371.00		
1	9010	32010	800317	Fire Dept Mobile Data Comp	J 1	95,000.00		
1	9010	32020	810702	Scottsville Fire Eng 73	J 1	87,708.15		
1	9010	32030	815705	Scottsville Amb 705	J 1	21,827.50		
1	9010	32030	950357	WARS Command 506	J 1	110,000.00		
2	9010	41000	410500	Loan Proceeds	J 2	109,535.65		
2	9010	51000	510100	Appropriation - Fund Balance	J 2	210,371.00		
	9010		0501	Est. Revenue			319,906.65	
			0701	Appropriation				319,906.65
<b>TOTAL</b>						<b>639,813.30</b>	<b>319,906.65</b>	<b>319,906.65</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011025  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Crozet Meadows Center Rent Revenue - Lane Field Electricity Cost Recovery

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	71015	331200		J 1	1,020.00		
1	1000	71015	510100		J 1	4,180.00		
1	1000	71015	510300		J 1	800.00		
2	1000	15000	150267	Meadows Comm Center Rent	J 2	6,000.00		
1	1000	71014	510100		J 1	5,020.00		
2	1000	19000	190271	Lane League Electricity	J 2	5,020.00		
	1000		0501	Est. Revenue			11,020.00	
			0701	Appropriation				11,020.00
<b>TOTAL</b>						<b>22,040.00</b>	<b>11,020.00</b>	<b>11,020.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011026  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Appropriates a grant awarded to the Police Department by DMV (Enhancing Traffic Safety)

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1539	33000	330001	Grant Revenue - Federal	J	2	54,000.00		
1	1539	31013	120000	Overtime	J	1	32,880.00		
1	1539	31013	210000	FICA	J	1	2,515.32		
1	1539	31013	550100	Travel/Training	J	1	8,264.68		
1	1539	31013	800100	Machinery & Equipment	J	1	7,340.00		
1	1539	31013	800311	Radar Equipment - New	J	1	3,000.00		
	1539		0501	Est. Revenue				54,000.00	
			0701	Appropriation					54,000.00
	1000		0501	Est. Revenue				63,855.32	
			0701	Appropriation					0.00
<b>TOTAL</b>							<b>108,000.00</b>	<b>117,855.32</b>	<b>54,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011027  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** School Board Meeting: August 12, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	15000	150510	Royalties-Cable	J	2	17,300.00		
2	2000	18100	181109	Donations	J	2	500.00		
2	2000	18000	189900	Misc Revenues	J	2	2,675.09		
1	2115	62420	300201	Parts & Maintenance-DP	J	1	17,300.00		
1	2211	61101	601300	Education & Recreation Sup.	J	1	500.00		
1	2302	61105	160200	Stipends-Non Instructional	J	1	2,485.00		
1	2302	61105	210000	FICA	J	1	190.09		
	2000		0501	Est. Revenue				20,475.09	
			0701	Appropriation					20,475.09
2	3107	33000	330106	Safe & Drug Free Schools Grant	J	2	19,337.07		
1	3107	60000	312700	Prof. Serv. - Consultants	J	1	15,443.07		
1	3107	60000	601300	Education & Recreation Sup.	J	1	3,894.00		
	3107		0501	Est. Revenue				19,337.07	
			0701	Appropriation					19,337.07
2	3171	33000	330071	Title I Greer Elementary Grant	J	2	4,307.50		
1	3171	61101	601300	Education & Recreation Sup.	J	1	4,307.50		
	3171		0501	Est. Revenue				4,307.50	
			0701	Appropriation					4,307.50
2	3172	33000	330001	Federal Revenue	J	2	174,568.00		
1	3172	61101	112100	Salaries - Teacher	J	1	80,299.00		
1	3172	61101	160300	Stipend - Staff/Curr Dev.	J	1	3,748.00		
1	3172	61101	210000	FICA	J	1	6,142.00		
1	3172	61101	221000	VRS	J	1	4,301.00		
1	3172	61101	231000	Health Insurance	J	1	12,935.00		
1	3172	61101	232000	Dental Insurance	J	1	452.00		
1	3172	61101	241000	Group Life	J	1	126.00		
1	3172	61101	312700	Prof. Serv. Consultants	J	1	51,484.00		
1	3172	61101	580500	Staff Development	J	1	1,881.00		
1	3172	61101	301300	Education & Recreation Sup.	J	1	13,200.00		
	3172		0501	Est. Revenue				174,568.00	
			0701	Appropriation					174,568.00
2	3173	33000	330073	Migrant Consortium Incentive Grant	J	2	15,625.74		
1	3173	61101	132100	PT Wages Teacher	J	1	14,515.32		
1	3173	61101	210000	FICA	J	1	1,110.42		
	3173		0501	Est. Revenue				15,625.74	
			0701	Appropriation					15,625.74
2	3380	51000	510100	Reapp-Fund Balance	J	2	32,619.23		
1	3380	61101	112100	Salaries - Teacher	J	1	27,280.00		
1	3380	61101	210000	FICA	J	1	2,086.23		
1	3380	61101	221000	VRS	J	1	2,600.00		
1	3380	61101	231000	Health Insurance	J	1	564.00		
1	3380	61101	232000	Dental Insurance	J	1	13.00		
1	3380	61101	241000	VRS Group Life	J	1	76.00		

	3380		0501	Est. Revenue				32,619.23	
			0701	Appropriation					32,619.23
2	9002	18100	181107	WAHS Donations - Turf	J	2	50.00		
1	9002	60302	950245	WAHS Turf Field Prog	J	1	50.00		
	9002		0501	Est. Revenue				50.00	
			0701	Appropriation					50.00
<b>TOTAL</b>							<b>533,965.26</b>	<b>266,982.63</b>	<b>266,982.63</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011028  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Grant received by the Emergency Communications Center from the Virginia Department of Emergency Management

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2					J	2	18,437.00		
1	4100	31045	800700		J	1	16,500.00		
1	4100	31045	600100		J	1	1,937.00		
	2000		0501	Est. Revenue				18,437.00	
			0701	Appropriation					18,437.00
<b>TOTAL</b>							<b>36,874.00</b>	<b>18,437.00</b>	<b>18,437.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011029  
 DATE 9/1/2010  
 BATCH#**

**EXPLANATION:** Grant received by the Sheriff's Office from the Virginia Department of Motor Vehicles – Operation Hammerdown

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1530	33000	330011	Federal DMV Grants	J	2	16,100.00		
2	1530	51000	512004	Transfer from G/F	J	2	3,220.00		
1	1530	21070	120000	Overtime	J	1	12,929.00		
1	1530	21070	210000	FICA	J	1	1,071.00		
1	1530	21070	580000	Miscellaneous Expenses	J	1	1,420.00		
1	1530	21070	600800	Vehicle - Fuel	J	1	800.00		
1	1530	21070	600900	Vehicle - Maintenance/Repair	J	1	1,000.00		
1	1530	21070	600900	Machinery & Equipment	J	1	2,100.00		
	2000		0501	Est. Revenue				19,320.00	
			0701	Appropriation					19,320.00
<b>TOTAL</b>							<b>38,640.00</b>	<b>19,320.00</b>	<b>19,320.00</b>

Item No. 7.5. Commission on Children and Families (CCF) Amended Lease.

The executive summary states that in 2004, the Board approved a lease with the Charlottesville-Albemarle Commission on Children and Families (CCF) for its offices at the County Office Building - 5th Street. In 2007, the Board approved an amendment to this lease which reduced the overall square footage of the CCF leasehold to 3,126 square feet to accommodate the relocation of the County Registrar's Office.

In July of this year, the Albemarle County Department of Social Services assumed responsibility for the administration of the County's Comprehensive Services Act (CSA) Program for At-Risk Children from CCF. This change necessitated the transfer of 626 square feet of office space from CCF to the Department of Social Services. Given this reduction in space, staff recommends a second amendment to the 2004 CCF lease to reflect this change.

Given the change in the CCF space needs created by the transfer of CSA administrative responsibilities to DSS, staff has prepared a proposed amended lease, reducing CCF's office space from 3,126 square feet to 2,500 square feet, as designated on an attached floor plan (Attachment C). The amended lease maintains the term of the agreement through June 30, 2014. The square foot rental rate for this space is \$18.00 and escalates annually thereafter by the Consumer Price Index. CCF is agreeable to all of the terms and conditions.

The proposed Amended Lease would reduce CCF's rental payment to the County by \$11,268 during the first year of the term of the lease. This amount would be partially offset by rent paid by the state for DSS offices. In addition, as a joint partner in CCF, the County itself is responsible for a share of CCF's expenses, including rent. Therefore, the reduced rent that the County receives as a landlord would be offset somewhat by the reduced CCF expense for which the County is partially responsible.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve the Amended Lease between the County and the Commission on Children and Families for office space at the County Office Building on 5<sup>th</sup> Street (Attachment B) and to authorize the County Executive to execute the Amended Lease.

**By the above-recorded vote, the Board adopted the following Resolution to approve the Amended Lease between the County and the Commission on Children and Families for office space at the County Office Building on 5<sup>th</sup> Street and authorized the County Executive to execute the following Amended Lease:**

**RESOLUTION TO AUTHORIZE SECOND AMENDED AGREEMENT  
OF LEASE WITH CHARLOTTESVILLE-ALBEMARLE  
COMMISSION ON CHILDREN AND FAMILIES**

**WHEREAS**, the County Office Building on 5<sup>th</sup> Street contains certain office space that has been leased to the Charlottesville-Albemarle Commission on Children and Families ("CCF") since October 2004; and

**WHEREAS**, the Board approved an Amended Agreement of Lease in 2007 which reduced the square footage of the CCF leasehold to accommodate the relocation of the County Registrar's Office to the County Office Building on 5<sup>th</sup> Street; and

**WHEREAS**, the County and CCF wish to amend the Amended Agreement of Lease to reduce the office space being leased by an additional 626 square feet.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute on behalf of the County of Albemarle, Virginia, a Second Amended Agreement of Lease and any other document(s) necessary to lease office space at the County Office Building on 5<sup>th</sup> Street to the Charlottesville-Albemarle Commission on Children and Families.

\* \* \* \*

SECOND AMENDED AGREEMENT OF LEASE

THIS SECOND AMENDED AGREEMENT OF LEASE is made as of July 1, 2010 by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and the CHARLOTTESVILLE/ ALBEMARLE COMMISSION ON CHILDREN AND FAMILIES, Tenant. This Second Amended Agreement of Lease supersedes that certain Amended Agreement of Lease between the parties dated September 5, 2007.

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises shall be occupied by the Charlottesville/Albemarle Commission on Children and Families.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as Tenant is not in default hereunder, Tenant shall have peaceful and quiet enjoyment, use and possession of the Leased Premises without hindrance on the part of the Landlord or anyone claiming by, through, or under Landlord.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease shall commence on July 1, 2010 (the "Date of Commencement") and shall expire June 30, 2014. All references to the "term" of this Lease shall, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease may be renewed for an additional period as may be mutually agreed by the Landlord and Tenant. If renewal is not agreed upon by the Landlord and Tenant, this Lease shall expire upon expiration of the initial term.

ARTICLE IV. RENT

Section 4.1. Annual Rent. Commencing upon the Date of Commencement, during the first year of this Lease, Tenant agrees to pay to Landlord annual rent of \$18.00 per gross square foot, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. Gross square feet shall be calculated within the perimeter of the area to be used solely by the Charlottesville/Albemarle Commission on Children and Families.

After the first year of this Lease, the rent for any subsequent term of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Date of Commencement occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is two months before the initial Date of Commencement. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised

each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, Landlord shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 shall be made to Landlord at the address specified in Section 18.3, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

#### ARTICLE V. UTILITIES AND SERVICES

Landlord shall provide water, sewer, electricity, heating and cooling, trash collection and janitorial services at no additional cost to Tenant. Tenant shall provide telephone and all other services.

#### ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant shall have use of the Leased Premises for offices. Tenant shall also have use of the lunchroom, restrooms, elevators and main entry corridors, which areas will not be calculated in the gross square footage for rental purposes.

Section 6.2. Parking. Tenant shall be entitled to the use of parking spaces in the parking lot and an access easement to the Leased Premises.

#### ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent shall have first been obtained in writing, and provided that Tenant shall obtain all required governmental permits for such alterations, additions or improvements.

(b) Tenant may, from time to time, make interior structural alterations, additions or improvements, only with Landlord's prior written consent to plans and specifications therefor, which consent shall not be unreasonably withheld. Upon the expiration or sooner termination of this Lease, Landlord shall have the option (exercisable upon sixty (60) days notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice shall be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost and expense.

Section 7.2. Signs. Tenant shall have the right to place signs on the interior or exterior of the Leased Premises with the prior written approval of Landlord.

#### ARTICLE VIII. MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Landlord shall be responsible for all repairs and maintenance for the Leased Premises, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, air conditioning, plate glass and windows. Notwithstanding the foregoing, Tenant shall be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees and invitees.

Section 8.2. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and shall inform Landlord of all combinations on locks, safes and vaults, if any, which Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises shall be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned shall become the property of Landlord.

#### ARTICLE IX. INSURANCE

Section 9.1. Fire and Extended Coverage. Landlord agrees that it will, during the initial and any renewal term of this Lease, insure and keep insured, for the benefit of Landlord and its respective successors in interest, the Leased Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. Landlord agrees to name Tenant as an additional insured on such policy, as its interest may appear.

Section 9.2. Waiver of Subrogation. Landlord and Tenant each hereby releases the other from any and all liability or responsibility to itself or anyone claiming through or under it by way of subrogation or otherwise for any loss or damage to property caused by fire or any of the extended coverage or supplementary contract casualties, even if such fire or other casualty results from the negligence of itself or anyone for whom it may be responsible, provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release shall not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

#### ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Leased Premises or Tenant's use and occupancy thereof.

#### ARTICLE XI. FIRE OR OTHER CASUALTY

If the Leased Premises shall be damaged so as to render two-thirds (2/3) or more of the Leased Premises untenable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.1, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction shall in no way annul or void this Lease except that Tenant shall be entitled to a proportionate reduction of the rent payable under Article IV while such repairs are being made, such proportionate reduction to be based upon the proportion of the Leased Premises rendered untenable as a result of such damage. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

#### ARTICLE XII CONDEMNATION

If the whole or any part of the Leased Premises shall be taken under the power of eminent domain, then this Lease shall terminate as to the part so taken on the day when Tenant is required to yield possession thereof, the Landlord shall make such repairs and alterations as may be necessary in order to restore the part not taken to useful condition; and the rent payable under Article IV shall be reduced proportionately as to the portion of the Leased Premises so taken. If the amount of the Leased Premises so taken is such as to impair substantially the usefulness of the Leased Premises for the purposes for which the same are hereby leased, then either party shall have the option to terminate this Lease as of the date when Tenant is required to yield possession.

#### ARTICLE XIII DEFAULT OF TENANT

Section 13.1. Default. The occurrence of any of the following shall be deemed a "default" under this Lease:

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 13.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord shall have the right (in addition to all other rights and remedies provided by law) to terminate this Lease or to re-enter and take possession of the Leased Premises, peaceably or by force, and to remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and to collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant shall pay to Landlord the greater of Twenty-Five and no/100 Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each day after the fifth day such rent or other money is late.

#### ARTICLE XIV HOLDING OVER, SIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, shall be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified as far as applicable.

Section 14.2. Showing the Leased Premises. During the last ninety (90) days of the term hereof, Tenant shall allow Landlord, or its agents, to show the Leased Premises to prospective tenants or purchasers at such times as Landlord may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, shall extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of Landlord shall be deemed the covenants, representations and agreements of the fee owner from time to time of the Leased Premises and Landlord shall be automatically released of all liability under this Lease from and after the date of any sale by Landlord of the Leased Premises. All covenants, representations and agreements of Tenant shall be deemed the covenants, representations, and agreements of the occupant or occupants of the Leased Premises.

#### ARTICLE XV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

#### ARTICLE XVI. NO ASSIGNMENT

Tenant shall not assign this Lease or sublet all or any portion of the Leased Premises, either directly or indirectly, without the prior written consent of Landlord. No assignment, sublease or transfer of this Lease by Tenant shall (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing Tenant's obligations under this Lease, or (ii) relieve Tenant of its obligations hereunder, and Tenant shall thereafter remain liable for the obligations of the Tenant under this Lease whether arising before or after such assignment, sublease or transfer.

#### ARTICLE XVII. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and shall be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant shall promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant shall not withhold or delay its consent thereto.

#### ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. The waiver by landlord or Tenant of any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, shall not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease shall be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or are required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- (a) if to Landlord, at  
County of Albemarle  
County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902  
or at such other address as Landlord may designate by written notice;
- (b) if to Tenant, at  
Charlottesville/Albemarle Commission on Children and Families  
1600 Fifth Street  
Charlottesville, Virginia 22902  
or at such other address as Tenant shall designate by written notice.

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this

Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

Section 18.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum shall contain any provisions of this Lease which either party requests except for the provisions of Article IV, which shall not be included. The cost of recording such memorandum of lease or a short form hereof shall be borne by the party requesting such recordation.

Section 18.7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 18.8. Counterparts This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 18.9. This lease is subject to annual appropriations by the Board of Supervisors of Albemarle County, Virginia.

**IN WITNESS WHEREOF**, the parties hereto have executed this instrument as of the day and year first above written.

**TENANT**

**CHARLOTTESVILLE/ALBEMARLE COMMISSION ON CHILDREN AND FAMILIES**

By: \_\_\_\_\_  
Print Name: Gretchen Ellis  
Title: Director

**LANDLORD**

This Lease is executed on behalf of the County of Albemarle by Robert W. Tucker, Jr., County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Albemarle County Attorney

**EXHIBIT A**

**DESCRIPTION OF LEASED PREMISES**

All that certain portion of the Albemarle County Office Building, located at 1600 Fifth Street Extended, Charlottesville, Virginia, shown shaded in gray on the attached floor plan titled "Rentable Area," and being 2,500 square feet of office space, more or less.

Item No. 7.6. 2009 Emergency Management Program Grant.

The executive summary states that the Virginia Department of Emergency Management (VDEM) has awarded an \$18,437.00 reimbursable grant through the National Preparedness Directorate, US Department of Homeland Security, 2009 Emergency Management Program (CFDA # 97.042) to the Charlottesville-UVA-Albemarle County Emergency Management Office of the ECC. The purpose of the grant is to enhance the regional Emergency Operations Center (EOC) through the purchase of telephones, laptop computers and other equipment required to effectively manage disasters and disaster exercises.

The Charlottesville-UVA-Albemarle County Office of Emergency Management is the grant administrator for this Homeland Security Grant. Because the County of Albemarle serves as the fiscal agent for the ECC, it is necessary for the Board of Supervisors to adopt the attached resolution authorizing the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all grant-in-aid documents required for implementation of this program in order for the Emergency Management Office of the ECC to administer the grant.

The County of Albemarle is serving as fiscal agent for this Emergency Management Grant. Funding being made available by VDEM is a one-to-one local match which may be "in kind" or cash. The match will be "in kind" and will consist of ECC emergency management and IT staff time.

Staff recommends that the Board adopt the attached resolution (Attachment A) authorizing the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all VDEM Grant documents necessary for receipt of the 2009 Emergency Management program Grant.

**By the above-recorded vote, the Board adopted the following resolution authorizing the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all VDEM Grant documents necessary for receipt of the 2009 Emergency Management program Grant:**

Governing Body Resolution											
<i>BE IT RESOLVED BY THE</i> <u>Board of Supervisors</u>											
(Governing Body)											
<i>OF THE</i> <u>County of Albemarle</u> <i>THAT</i>											
(Name of Applicant)											
<u>the ECC Emergency Management Coordinator</u> , <i>OR</i>											
(Name or Title of Authorized Agent)											
<u>the ECC Executive Director</u> , <i>OR</i>											
(Name or Title of Authorized Agent)											
<u>the County Executive</u> ,											
(Name or Title of Authorized Agent)											
is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.											

Item No. 7.7. Resolution approving Keswick Utilities, Inc.'s application for a certification of public convenience and necessity to allow additional connections to the Keswick central water and septic system.

The executive summary states that on January 13, 1993, the Board of Supervisors adopted A *Resolution Approving the Application of Keswick Utility Company to Obtain a Certificate of Convenience and Necessity from the State Corporation Commission* (Attachment A), allowing the issuance of the National Pollutant Discharge Elimination System ("NPDES") permit for its central water and septic system. At that time, the Keswick Utility Company (since re-named Keswick Utilities, Inc.) provided water and sewer services to less than fifty customers. The *Resolution* anticipated additional customers in the future stating, "WHEREAS, the Company projects that the number of customers to be served in the Development will exceed fifty, which would necessitate the issuance of a certificate of public convenience and necessity by the State Corporation Commission ("SCC")."

Also on January 13, 1993, a "ring easement" was recorded. The easement, held by the Piedmont Environment Council, created a buffer between the Keswick properties and adjacent properties and prevents any expansion of the central systems that would include connections to properties outside of the approved Keswick Estate boundaries. The Piedmont Environment Council has been advised of Keswick Utility Inc.'s application for a Certificate of Public Convenience and Necessity.

In anticipation of more than fifty connections to the existing system, Keswick Utilities, Inc. submitted an application to the State Corporation Commission ("SCC") for a Certificate of Convenience and Necessity. Private utility companies must obtain a Certificate of Convenience and Necessity from the SCC when the number of customers exceeds fifty.

According to the SCC Office of General Counsel, in order to complete Keswick Utilities, Inc.'s application, an updated Resolution from the Albemarle Board of Supervisors is required. The SCC wants "to make sure that the governing body is aware of Keswick Utilities, Inc.'s current application and does not oppose such." Virginia Code §56-265.3.C. states: "If the initial application provides for the furnishing of water or sewerage service within any political subdivision in which there has been created an authority for either or both of such purposes pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, the Commission shall not hold any hearing on such application or issue any certificate for the allotment of territory unless the application shall first have been approved by the governing body of the political subdivision in which the territory is located.."

The request of Keswick Utilities, Inc. would only allow additional connections to the existing central systems. An expansion of the central systems has not been requested. Keswick Utilities, Inc. has

confirmed with its engineer that the existing system has the capacity to serve the additional customers without expanding the central systems.

Staff opinion is that there has been no substantive change in circumstance since the Board adopted the resolution approving a Certificate of Convenience and Necessity from the SCC on January 13, 1993.

A Resolution approving a Certificate of Convenience and Necessity from the SCC (Att. B) has been prepared for the Board's consideration.

No budget impacts would result from this action.

Staff recommends that the Board adopt the attached Resolution (Attachment B) Approving Keswick Utility, Inc.'s Application to Obtain a Certificate of Convenience and Necessity from the SCC to allow more than fifty customer connections to the existing central systems, provided that the additional connections do not create a need to expand the existing central systems.

**(Discussion:** Ms. Mallek asked if there were any records about the Keswick utilities performance, and if there had been any correspondence with DEQ.

Mr. David Benish, Chief of Planning, responded that this request is to provide utilities for just over 50 units, and there is no proposal to expand the system capacity.

Ms. Mallek asked if the County would be notified by DEQ if there were a failure that had to be corrected.

Mr. Tucker responded that either DEQ or the Health Department would notify the County.

Mr. Rooker asked if they are expanding geographically to allow them to add customers.

Mr. Benish said the system capacity is not being expanded and their area is not being expanded, but there would be expansion of service lines to serve more units.

Ms. Marilyn Gayle, of Roudabush and Gayle, representing Keswick Utility, explained that this was a resolution approved by the Board in 1993, and it anticipated that there would be 50 customers served in a short period of time. Ms. Gayle said that this did not occur until recently and the State Corporation Commission has asked Keswick to ask the Board to reaffirm this so they can proceed with the process of setting up rates and becoming an official utility.)

**By the above-recorded vote, the Board adopted the following Resolution approving Keswick Utility, Inc.'s Application to obtain a Certificate of Convenience and Necessity from the SCC to allow more than fifty customer connections to the existing central systems, provided that the additional connections do not create a need to expand the existing central systems.**

**RESOLUTION TO APPROVE KESWICK UTILITIES, INC.'S APPLICATION FOR  
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

**WHEREAS**, Keswick Utilities, Inc. (hereinafter, "Keswick Utilities") is a public service corporation providing central water and sewer services to fewer than 50 customers within the Keswick Real Estate Development (hereinafter, the "Development") since 1993; and

**WHEREAS**, Keswick Utilities has applied to the Virginia State Corporation Commission for a Certificate of Public Convenience and Necessity pursuant to Virginia Code § 56-265.3 for approval to provide water and sewer services to 50 or more customers; and

**WHEREAS**, because authorities for both water and sewer utilities have been created within Albemarle County under Virginia Code § 15.2-5100 *et seq.*, to provide water and sewer utilities, Virginia Code § 56-265.3(C) requires that Keswick Utilities' application for a Certificate of Public Convenience and Necessity to increase the number of customers it serves be approved by Board of Supervisors before the Virginia State Corporation Commission may hold a public hearing on the application; and

**WHEREAS**, the 1993 resolution of the Board of Supervisors approving Keswick Utilities' predecessor's application to provide central water and sewer services within the Development acknowledged that both central systems would eventually serve 50 or more customers; and

**WHEREAS**, the additional customers will not require the expansion of either central system.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves Keswick Utilities' application for a Certificate of Public Convenience and Necessity to provide water and sewer services to 50 or more customers within the Development.

---

Item No. 7.8. Overview of the upcoming 2011 redistricting process, ***was received for information.***

The executive summary states that the Virginia Constitution requires the County to redraw its magisterial districts in 2011 to meet all applicable constitutional and statutory requirements based on the data compiled during the 2010 Census. The 2010 census data has been collected and is currently under quality assurance review by the United States Census Bureau.

By December 31, 2010, the Secretary of Commerce and the Census Bureau Director will report state-by-state population data to the President. The President will then report this data to Congress in January 2011. The report will show the population of each State and the number of representatives apportioned to each State. The Clerk of the House of Representatives will then send to each State's governor a certificate showing how many representatives the State may send to the next Congress.

By April 1, 2011, the Census Bureau Director will complete delivery of redistricting data to the States. This redistricting data will provide detailed population counts for all areas within each State. This data will include a number of digital census maps showing census tracts, counties, cities, towns, state legislative districts and voting districts. In the last census, the Commonwealth of Virginia received the 2001 redistricting data from the Census Bureau Director on March 9, 2001.

The County's redistricting process will culminate in the Board's adoption of a redistricting ordinance and the ordinance's preclearance by the United States Department of Justice under the Voting Rights Act of 1965. The redistricting ordinance will establish the boundaries of the County's magisterial districts and precincts and delineate the location of the polling places within each precinct. Before the redistricting ordinance can be adopted, there are several tasks that have already been completed and a number of steps that still need to be taken by County staff and the Board.

Correcting existing data

In the years since the 2001 redistricting, County staff has worked with the Census Bureau to assure that the Census Bureau's data pertaining to the County is correct. Board members may recall that the 2000 Census incorrectly assigned approximately 4,500 County residents in the University area to the City of Charlottesville. That error was corrected at the time, but County staff has worked with the Census Bureau to assure that a similar error is not made in the 2010 Census. County staff has also worked with the City of Charlottesville and the County of Greene over the past two years to correct some other minor boundary errors in Census Bureau data.

Developing a redistricting schedule

Although the redistricting data will not be available from the Census Bureau until as late as April 1, 2011, it will be imperative for the Board to adopt a redistricting ordinance and obtain a Department of Justice preclearance of the ordinance under the Voting Rights Act of 1965 as soon thereafter as possible. In addition to the November 2011 general election, it is possible that primary elections could be scheduled sooner. The preclearance process under the Voting Rights Act requires at least 90 days.

There are a number of steps that need to be taken prior to the Board's adoption of the ordinance. County staff from the offices of the County Executive, the General Registrar, and the County Attorney, as well as the Department of Community Development, will develop and propose a schedule for consideration by the Board at its December 1, 2010 meeting. The schedule will include tasks such as: (1) the discussion and preliminary approval of guidelines for magisterial districts, precincts and polling places, discussed in the following paragraph; (2) a public meeting coordinated by County staff to obtain community input on redistricting issues, concerns and the preliminary guidelines; (3) the Board's consideration of the community comments; (4) the Board's approval of the final redistricting guidelines; (5) one or more Board work sessions on the proposed redistricting plan; (6) the Board's public hearing on the redistricting ordinance, likely to be scheduled in May, 2011; and (7) the submittal of the 2011 redistricting ordinance to the Department of Justice for preclearance.

Developing guidelines for magisterial districts, precincts and polling places

The guidelines provide direction to County staff and information to the public as to how redistricting decisions such as how magisterial district and precinct boundaries will be established and how to identify qualified polling places. Some of these guidelines are requirements established by law, such as the requirements for geographical compactness and contiguity, the requirement that the population within each magisterial district be as equal as is practicable, and the requirement that precincts have no less than 100 and no more than 5,000 registered voters. Other guidelines reflect County-specific goals, such as having each magisterial district contain urban and rural areas. Staff will present a set of preliminary guidelines to the Board for consideration by not later than its December 1, 2010 meeting. The public will be invited to comment on the preliminary guidelines at a public meeting coordinated by County staff, most likely in January. After public comments are received on the preliminary guidelines, the Board will have the opportunity to finalize the guidelines and direct staff to proceed with the redistricting plan in accordance with those guidelines.

Copies of the 2001 redistricting schedule and guidelines are attached for the Board's information.

Redistricting is already incorporated into the workplans of the County departments involved in the redistricting process. However, there will be costs associated with public notices advertising the public meetings and the redistricting ordinance public hearing, and postage costs to mail new voter cards to voters whose state or local election districts or precincts change. If additional precincts and corresponding polling places must be established because of population increases, there will be additional costs to provide election officers and equipment at those new polling places during elections over the next decade.

This report is for information only. Staff will provide a proposed 2011 redistricting schedule and preliminary guidelines for consideration by not later than the Board's December 1, 2010 meeting.

---

Item No. 7.9. Biennial review of fees associated with the Building Regulation and Water Protection Ordinances, **was received for information.**

The executive summary states that on August 6, 2008, the Board adjusted the fees for the Building Regulation and Water Protection ordinances pursuant to a comprehensive fee study. As part of that action, the Board also established a policy to review these fees on a biennial bases and to consider fee increases based upon the amount of the County's merit pool percentage increases for the prior two years.

Under the Board's policy, it is now timely to review the Building Regulation and Water Protection fees. Staff is advising the Board that per the direction on biennial adjustment of the fees, no fee revision is needed at this time. The Board's policy directs that the biennial adjustment be based on the merit pool adjustment for the prior two years because staff compensation is the most significant component of the costs recovered by fees. Because there has been no merit pool adjustment in the prior two years, no fee adjustment is recommended. Staff notes there are some small additional cost of services, such as higher health care costs, but the increment was felt to be so small that the cost of processing the fee adjustments would likely exceed any revenue gained by the adjustment. Per the Board's policy, staff will reevaluate the fees in 2012 and provide a fee recommendation at that time.

There is no change to anticipated revenues.

No action is required.

---

Item No. 7.10. Copy of Report on Audit for the period of January 1, 2009 through December 31, 2009, Debra M. Shipp, Clerk of the Circuit Court of the County of Albemarle, as prepared by the Auditor of Public Accountants, Commonwealth of Virginia, **was received for information.**

**(Discussion:** Mr. Rooker commented that the audit of the Clerk of Circuit Court pointed out a number of deficiencies pertaining to how financial matters are being handled. He asked what control the County has over how that department manages its finances.

Mr. Tucker replied that there is very little involvement, although the County does help her in any way she might need, but she is an elected official to that position.

Mr. Dorrier said that the Clerk has space issues, as there isn't sufficient space to store files, etc. He suggested formation of a committee to study the problem.

Mr. Rooker responded that there was a committee already in place to address court space issues, and the Clerk's office was one area of focus.

Mr. Tucker stated that it's still ongoing, but revenue has impacted potential expansion. He added that the County has asked the Clerk to move boxes and files because of fire code violations. The County has offered space in some County rental space on Route 29 North in which local government and the Schools use. County staff is working on the issues, and doing so also with the Commonwealth's Attorney and Sheriff's office on space needs.

Mr. Dorrier said that the Clerk has indicated that she has been asked to move things to impractical locations, and she can't be expected to retrieve them from a storage unit on Route 29 North. He suggested that maybe there is some space in the new Juvenile Court building.

Mr. Tucker indicated that the Levy building is the next space to be considered. He added that space is an ongoing issue for all of Court Square.

Ms. Mallek asked if there is a way that the County Human Resources Department could help the Clerk with the job description issues that were mentioned in the audit.

Mr. Tucker responded that they certainly could help with internal service issues for operations.

Ms. Mallek also commented that the Sheriff has dumped responsibility for jury selection duties onto the Clerk.

Mr. Tucker replied that he doesn't know the reasons for that, but they certainly could be discussed with both the Clerk and Sheriff. The County was not involved in that decision.

Mr. Rooker noted that the audit points out other issues – such as failure to reconcile the bank account for 15 months. The audit states that in combination with prior items the Clerk has not in effect reconciled the bank account since April 2008. Mr. Rooker said that has nothing to do with space. He added that there was also failure in investing trust fund monies for three months, totaling \$25,000, and the Clerk is not using an available system of reporting designed to ensure she records all costs and fines for convicted defendants. The audit states that the Clerk failed to remit Sheriff fees within ten days of month-end. The Clerk has no one certified to respond to the Department of Taxation Debt Set-off, etc. Mr. Rooker said that these are issues related to how they maintain their financial house. He does not know

how many of these things preceded her election. Her response to most of them is that they were ongoing problems when she came into office and it may take her a while to get everything running correctly. Mr. Rooker said some of these things are fairly basic financial matters, but he was a little alarmed by them.

Mr. Dorrier offered to get an analysis of the problems and report back to the Board.

Mr. Tucker said the County does need to offer its assistance, but this is another situation where the State is not providing the revenue needed to run this State office, so it drops down to the County to make up the difference. The County needs to continue to stress to the State that they need to step up where needed.)

---

Item No. 7.11. 2010 Second Quarter Certificate of Occupancy Report, as prepared by the County of Albemarle Community Development Department, **was accepted received for information.**

During the second quarter of 2010, 124 certificates of occupancy were issued for 133 dwelling units. There were two certificates of occupancy issued for mobile homes in an existing park, at an exchange rate of \$2,500, for a total of \$5,000. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

---

Item No. 7.12. 2010 Second Quarter Building Report, as prepared by the County of Albemarle Community Development Department, **was accepted and received for information.**

During the second quarter of 2010, 89 building permits were issued for 92 dwelling units. There were three permits issued for mobile homes in an existing park, at an average exchange value of \$2,500, for a total of \$7,500. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

---

Item No. 7.13. VDOT, Culpeper District Monthly Report, for Albemarle County, September, 2010, **was received for information.**

---

(Mr. Cilimberg said the next two agenda items would be heard concurrently.)

Agenda Item No. 8. **PUBLIC HEARING: SP-2007-00028. Faith Christian Center International Church (Sign #5).**

**PROPOSED:** Church use with multi-purpose building including 399-seat sanctuary, administrative offices, classrooms, playground, as well parking on site.

ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre). SECTION: 10.2.2(35).

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

ENTRANCE CORRIDOR: Yes.

LOCATION: Route 250 East, 0.35 miles southeast of the Interstate 64 interchange.

TAX MAP/PARCEL: Tax Map 78, Parcels 47 and 47A.

MAGISTERIAL DISTRICT: Scottsville.

(Advertised in the Daily Progress on August 16 and August 23, 2010.)

---

Agenda Item No. 9. **PUBLIC HEARING: SP-2007-00029. Faith Christian Center International Church Daycare (Sign #5).**

**PROPOSED:** Operate Daycare/Preschool, 2year olds - Kindergarten, 50 children maximum; proposed located Faith Christian Center International Church (SP2007-28).

ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).

SECTION: 10.2.2(7).

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

ENTRANCE CORRIDOR: Yes.

LOCATION: Route 250 East, 0.35 miles southeast of the Interstate 64 interchange.

TAX MAP/PARCEL: Tax Map 78, Parcels 47 and 47A.

MAGISTERIAL DISTRICT: Scottsville.

(Advertised in the Daily Progress on August 16 and August 23, 2010.)

Mr. Cilimberg said that one of the special permits is for the church itself to establish a 399-seat sanctuary and associated offices and activities at the site; the second special permit is for a daycare for preschool two-year-olds to Kindergarten at a maximum of 50 children. He said that the location on Route 250 East is where the current Sleepy Hollow Mobile Home Park is located. He noted that this is an area that has some challenging topography in addition to the existence of the mobile homes still on the site. Mr. Cilimberg reported that work began in 2007 with an original plan that went to the Planning Commission for a work session regarding the new building and parking – and there were significant issues regarding how the proposal laid out on the site but not concern with the church itself. He said that it did necessitate that the applicant go back and work on concerns raised by the Commission, including several visits to the Architectural Review Board to get their feedback as many of the issues were related to the entrance corridors of route 250 East and I-64. In response to that, Mr. Cilimberg stated, the applicant has changed

the two-story building to a one-story and basement configuration and has reduced the seating from 500 to 399. He added that the parking spaces were also reduced and the retaining wall sizes were reduced by bringing the development down into the site. Mr. Cilimberg said that there was a critical slopes waiver that the Planning Commission did approve, and there are no current objections to any of the aspects of the proposal from the ARB.

He then presented the current proposal for the layout of the building and parking to accommodate the 399-seat sanctuary, the associated activities and the day care. Mr. Cilimberg said that there are also more tree plantings proposed as part of this site. He presented views showing west and north elevations of how the church will look onsite. He added that the other issues were the entrance onto Route 250, reviewed by VDOT, and an analysis of turn lanes provided to VDOT. The applicant has shown entrance improvements, left-turn taper and left turn lane on the conceptual plan as required by VDOT. Mr. Cilimberg stated that the Virginia Department of Health has verified that the water and septic standards can be met. He concluded that the findings are that the applicant has addressed all issues identified by the Planning Commission in their initial work session, and the development plans would significantly improve conditions in the stream buffer area. Mr. Cilimberg stated that the one unfavorable factor is that the church is larger than traditional size churches in the rural areas, but the applicant has demonstrated that the site can accommodate the physical impacts of the use. He said that the daycare will have no significant impact on the surrounding community and provides a service in the area. There were no unfavorable factors cited by staff related to the daycare.

Mr. Cilimberg stated that some Commissioners raised concerns about the safety of arriving and departing parents bringing children to the daycare, and the turning movements, due to traffic volumes on Route 250 particularly during morning rush hour. He noted that turn lane and entrance improvements are shown on the conceptual plan as required by VDOT.

Mr. Cilimberg said that staff and the Commission have recommended approval of the church with six conditions, and by a 6:1 staff and the Planning Commission recommended approval of the daycare center with a seventh condition that would limit the hours of the facility from 7:00 a.m. to 6:00 p.m. Monday through Friday. He said that the Executive Summary notes that the standard condition of approval used to set hours of operation for such uses also allows occasional activities related to the use to occur after usual closing time – such as open houses and children's activities. Staff suggests that condition #7 be amended to state that the hours of operation for the daycare shall not begin earlier than 7:00 a.m. and shall not end later than 6:00 p.m. each day, Monday through Friday, provided that the occasional daycare related events may occur after 6:00 p.m.

Mr. Boyd mentioned that the original square footage was 28,000 square feet and asked what the new square footage is.

Mr. Cilimberg responded that the footprint shows 16,200 square feet, with additional square footage provided in the basement. He added that there would be the types of offices normally associated with a church, classrooms, etc., with the additional request for the daycare.

Ms. Mallek asked what the tree replanting would consist of.

Mr. Cilimberg replied that that would be part of the site plan process and with the ARB; in addition a Certificate of Appropriateness will be necessary.

Mr. Boyd commented that he has been contacted by the other new church, in Shadwell at the fork of Route 250 and Route 22, as they have cut down ten trees but are being asked to plant 160 trees which is a significant expense. He asked if the same would apply to this church and whether they would end up with a huge expense.

Mr. Cilimberg said that he is not involved with the site plan review so do not know the specifics.

Mr. Rooker explained that the requirement is not related to how many trees were removed, but is simply the planting requirement that is associated with the kind of improvements being put in.

Mr. Cilimberg noted that some of the plantings being required are intended to address the mitigation of the stream buffer.

At this time the Chair opened the public hearing for both special use permits.

The applicant, Pastor Wayne Frye, Senior Pastor at Faith Christian Center International Church, said he was present to answer questions. He noted that Mr. Brian Smith, their Civil Engineer, was also present to respond to questions.

Mr. Boyd asked Mr. Frye if he had any issues with the conditions set forth in the application.

Pastor Frye responded that he did not.

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

Mr. Dorrier **moved** to approve SP-2007-00028 subject to the six conditions as presented. Mr. Snow **seconded** the motion.

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

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

Mr. Dorrier then **moved** to approve SP-2007-00029 subject to the seven conditions as recommended. Mr. Rooker **seconded** the motion.

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

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

Pastor Frye thanked the Board for their approval. He added that after the Board approves the requests, there is a time period in which they must build the facility. He asked if there could be an extension on the approval time period stipulated for the church to complete construction since they still have a lot of site plan development to complete.

Mr. Davis said that the Zoning Ordinance states that construction must begin within 24 months from the date of the approval of the special use permit. There is a provision that allows the Board, as a condition of the special use permit, to extend that time, but it would need to be part of the conditions of the permit.

Mr. Cilimberg said that he was unaware of the need for extension.

Pastor Frye indicated that it was something that arose after the Planning Commission hearing. If they need to, they come back at a later date and ask for the extension.

Mr. Davis suggested that it be resolved today.

Ms. Mallek asked what the requested extension would be.

Pastor Frye responded that the church would like to have two additional years.

Board members agreed to the extension.

Mr. Rooker said he thinks it is appropriate to grant the extension. He commented that handling it later would just be more time and expense for the applicant and staff.

Mr. Davis suggested that the Board reconsider the two approvals and then staff needs to craft a condition that would be added to the permits.

Mr. Rooker **moved** to reconsider the approvals of SP-2007-00028 and SP-2007-00029. Mr. Boyd **seconded** the motion.

Mr. Cilimberg said that he would contact the Mr. Greg Kamptner, the Assistant County Attorney, and get the standard language.

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

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

---

Agenda Item No. 10. Miller School, Water Protection Ordinance Exception.

The executive summary provided to Board members state that the Miller School presently has two entrances off of Miller School Road. The southern entrance is used mainly as a service road and School representatives state that it has poor sight distance and is considered dangerous. The northern entrance serves as the main entrance for students, staff and visitors. Although it has adequate sight distance, School representatives describe the northern entrance as passing the utilitarian portion of the campus and being "narrow, steep, in disrepair." The Miller School would like to add a central entrance off of Miller School Road that would lead travelers to a more suitable and attractive destination – the central portion of the school's campus where its Victorian-style architecture is on display. This entrance and a portion of the new entrance road would be located over the original access to the campus. Although VDOT has determined that the intersection of the proposed entrance and Miller School Road is acceptable, this new entrance and entrance road would be located within a stream buffer in the water supply watershed. It would require grading for the access and new access road, as well as removal of some trees within the stream buffer across Miller School Road to provide adequate sight distance towards the northwest.

The County regulates stream buffers in County Code § 17-317 *et seq.*, which is part of the Water Protection Ordinance. These regulations establish an obligation to retain, establish and manage stream buffers (County Code §§ 17-317 and 17-318), but also allows certain types of development to occur within a stream buffer either as a matter of right (County Code §§ 17-319 and 17-320) or in the discretion of the County Engineer when specific conditions are satisfied (County Code § 17-321). When a stream buffer is disturbed, a mitigation plan is required to address the potential impacts caused by the disturbance. For discretionary disturbances approved by the County Engineer, a mitigation plan satisfying the requirements

of County Code § 17-322 is required. A mitigation plan describes how disturbances in a stream buffer will be mitigated through runoff treatment, revegetation, the addition of extra buffer areas, or other appropriate best management practices.

In this case, the proposed central entrance does not meet any of the circumstances by which a disturbance of the stream buffer is allowed by right or in the discretion of the County Engineer under County Code §§ 17-319 through 17-321. However, in County Code § 17-308, the Water Protection Ordinance authorizes the Board of Supervisors to grant exceptions to any stormwater management or stream buffer requirement if the findings delineated in that section can be made, and those findings are discussed in the Discussion section below.

The Miller School has requested an exception under County Code § 17-308 (Attachment A) and has submitted a mitigation plan to address the impacts of the stream buffer disturbance (Attachment C). The proposed central entrance, the location of the stream buffers, and the proposed disturbance are shown on the map included as Attachment B.

The proposed central entrance could improve safety and visibility for the School, as the current entrances are in poor locations. Mitigation is proposed at another location, with plantings along the buffer of the Mechums River. However, this new entrance is not essential and it would have a significant impact on the adjoining streams.

County Code § 17-308 allows exceptions to be granted by the Board of Supervisors if it can make the following four findings:

1. A stormwater management/BMP plan has been submitted to the program authority for review in accordance with this article; the plan demonstrates that reasonable alternatives to the exception have been considered and determined to not be feasible through attempts to meet the provisions of this article, the use of non-structural measures as provided in section 17-313, the use of a mitigation plan as provided in section 17-322, or by other means;
2. The exception requested is the minimum necessary to afford relief;
3. Reasonable and appropriate conditions are imposed as necessary to ensure that the purposes of this article are satisfied; and
4. The basis for the request is not economic hardship, which shall be deemed an insufficient reason to grant an exception.

The following analysis addresses the four findings:

- (1) A reasonable mitigation plan has been provided. In considering possible mitigation proposals, two possibilities were discussed. One was planting along the Mechums River, which is what the mitigation plan proposes. The other was to balance or reduce overall buffer disturbance by removing the existing entrance in the buffer. Staff finds that the proposed planting along the Mechums River provides an acceptable offset.
- (2) The request is the minimum to establish the proposed entrance in its proposed location. This requirement provided the largest struggle for staff, with the pertinent question being "If they currently have two entrances, how can this new entrance be considered the minimum necessary?" Staff answered that question as follows: the existing entrances are substandard under VDOT's current requirements and the northern entrance (the main entrance) is used by a large number of people who may not be familiar with the roadway. It is not possible to modify the southern entrance to bring it up to current standards without a significant alteration to Miller School Road and offsite easements. The northern entrance is in the floodplain and modifications to bring it up to current standards would likely result in an even larger disturbance of the protected stream buffer.
- (3) Reasonable and appropriate conditions are imposed. Staff recommends that requiring the submitted mitigation plan to be fully implemented before the entrance is open to traffic would be an appropriate condition.
- (4) The basis for the request is not economic hardship. The purpose of the new entrance is to improve safety and aesthetics, rather than economic hardship, although the entrance itself might not be considered essential.

Other characteristics of the area were also considered. The proposed central entrance is in a location where a small road once existed, and the public road, Miller School Road, crosses the stream and buffers, already compromising them to some extent. Furthermore, while the small stream along the entrance road meets the characteristics of an intermittent stream, it is primarily fed by the small pond on the campus, which in turn is primarily fed by a water line leading from an off-site reservoir.

Staff recommends that the exception be approved, with the following conditions:

1. The owner shall submit to the program authority for review and approval a mitigation plan meeting all standards set forth in section 17-322 and a mitigation plan shall be approved and bonded prior to the issuance of an erosion and sediment control permit for grading of this entrance road.
2. The approved mitigation plan shall be fully implemented before the proposed entrance road is opened to traffic.

---

Mr. Glenn Brooks, County Engineer, said that this is an exception request from the Water Protection Ordinance to allow development in a stream buffer for a new entrance improvement at the Miller School. He presented an overview of the main campus and grounds, noting the main entrance to the School and the meeting point of Mechums River and a small creek. Mr. Brooks explained that the Samuel Miller Loop Road goes by the main buildings of the campus and leads to the second existing entrance, which is considered the back entrance to the School. He added that Route 635 is the Miller School Road, which is a State road in the public system.

Mr. Dorrier asked if the School and entrance were historic landmarks.

Mr. Brooks responded that the School is, but he is not sure about the entrance itself. He explained that the proposal is to keep the two existing entrances in place and put in a new entrance below the baseball field into Route 635 at an historic entrance location that is now grown over, where the creek crosses Route 635. Mr. Brooks pointed out the stream buffer as set by the Ordinance, which is on both the intermittent stream leading out of the pond and the stream that goes under Route 635 down to the Mechums River. He noted the anticipated area of disturbance, stating that most of it relates to the intermittent stream leading out of the pond with a significant portion of the review being the small slivers along Route 635 where trees would have to be cut directly over the stream to accommodate a sight line in the bend of the road.

Mr. Rooker asked what the traffic count is on Route 635.

Mr. Brooks replied that he isn't certain what it is, but he would come back with that information later. He outlined the four criteria in the Ordinance for exceptions to the Water Protection Ordinance, with items 1, 3 and 4 being fairly straightforward. Mr. Brooks noted that the School has submitted a mitigation plan and would be doing an alternative planting location along the Mechums River, adding that because this is an improvement to enhance the safety of the entrances and presentation of the campus it is not a necessary improvement and doesn't involve economic hardship. In terms of criteria #2, he stated that it's hard to make the case that it's the minimum necessary to afford relief because they have two entrances already, but it is a safety improvement for the School and the existing entrances are steep – with the main entrance already in the floodplain and buffer by the river and the back entrance having poor site distance. Mr. Brooks reviewed the mitigation plan, noting that the section of the Mechums River is fairly entrenched and has some vertical banks that erode on a regular basis. He said that the School is proposing to plant some of that low-lying area to help better stabilize it.

Mr. Brooks stated that the two conditions with the request pertain to the mitigation plan and the timing of the mitigation plan, so it comes before the new entrances are built.

Ms. Mallek asked if there was any discussion of closing one of the entrances and noted that there was some discussion of removing hardtop to cut down on the velocity of water coming off of the site.

Mr. Brooks replied that one of the recommendations staff made to the applicant was to close one of the other entrances, but for maintenance purposes they elected to keep them all open. He added that part of their stormwater management plan for the on-site impervious area of the loop road is to try to balance the impervious area on the site – perhaps removing that along the roadways.

Ms. Mallek asked if there was a waiver requested for the location where they are putting their loop road.

Mr. Brooks clarified that staff doesn't have the authority to approve disturbances of stream buffers in the rural area except under very narrow conditions – such as the one by-right crossing approved last year for access to a lot or if a lot is completely unusable without disturbing stream buffers. He added that the only time staff routinely approves disturbances in buffers is when they are in the development area, and all of the disturbances shown in his presentation are part of the exception – with some in the loop road actually being road embankment and roadway itself. Mr. Brooks noted that the applicant would still have to do an erosion control plan and staff has tried to keep them on the upstream side, away from the stream with their grading to cut into the slope rather than filling outward toward the stream.

Headmaster of Miller School, Rick France said that the School is trying to restore their original entrance. He said that the School dates back to 1878, and in those days the proposed new entrance was used as the main entrance. Mr. France explained that while the current entrance has recently been repaved and is quite attractive, it is very narrow and curvy, and is on a steep hill. He noted that there is two-way traffic using that entrance throughout the day, and the School is looking at this as a safety issue – with the new entrance becoming the sole entrance and the current entrance used for exit only. Mr. France said he is also accompanied today by Mr. Doug Caton and Mr. Preston Stallings from the Board of Trustees, and Mr. Brian Smith, the Engineer, for the project.

Mr. Dorrier asked him about the status of the buildings on campus and whether they have been preserved.

Mr. France replied that the School has renovated portions of virtually every building over the last few years. He added that it's a fabulous-looking place right now.

Mr. Rooker asked if the School is planning to install a sign that directs people entering to come in one place and exit in the other direction.

Mr. France responded that they are going to install such a sign.

Mr. Dorrier asked how many students attend the School.

Mr. France responded that that the School has 150 students – with two-thirds being boarding students. This year they have 60 day students and 90 boarders. He noted that about 45 percent of the student body is female, with 43 students coming from 12 different foreign countries. They serve grades 8-12. Mr. France also stated that School recently gained the authority in the last five years to appoint its own Board of Trustees.

Mr. Thomas asked if the loop road is still used for deliveries.

Mr. France replied that the back entrance would be used as a service entrance, and there are signs that direct providers to use that entrance.

Mr. Caton said that if they were to design the school today the zoning requirements and Planning Commission would insist on two entrances. He said that going up the steep lane is difficult, and the loop road will allow traffic – especially trucks – to move one way and not have to back up. Mr. Caton added that there are a lot of stellar graduates in the Charlottesville area who make great contributions as graduates of Miller School.

There being no other comments, the matter was placed before the Board.

Mr. Snow **moved** to approve the Miller School Water Protection Ordinance exception subject to the two conditions recommended by staff. Mr. Dorrier **seconded** the motion.

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

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

NAYS: None.

1. The owner shall submit to the Program Authority for review and approval a mitigation plan meeting all standards set forth in section 17-322 and a mitigation plan shall be approved and bonded prior to the issuance of an erosion and sediment control permit for grading of this entrance road.
2. The approved mitigation plan shall be fully implemented before the proposed entrance road is opened to traffic.

---

Agenda Item No. 11. **Public Hearing: Whittington PRD Amendment** - Request to amend the Albemarle County Service Authority Jurisdictional Areas for sewer service to the Whittington Subdivision located on Old Lynchburg Road, Samuel Miller District. (*Advertised in the Daily Progress on August 16 and August 23, 2010.*) (**Applicant requests deferral until October 6, 2010.**)

Ms. Mallek announced that this item has been deferred to October 6, 2010. Action on this item was taken under "Other Matters From the Board" at the beginning of the meeting.

---

Agenda Item No. 12. **Public Hearing: Route 800 - VA Byway Designation.** To consider adopting a resolution to support Virginia Byway designation (denoted by "VB") for Route 800 from the intersection of Route 6, also a Virginia Byway, to the Albemarle County/Nelson County line. If this road is designated, it would become part of a coordinated promotional scenic route strategy to promote Virginia tourism, and it would make the road eligible to participate in the National Scenic Byway Program. There are no land use restrictions placed on lands abutting designated roads other than on the installation of new signs advertising off-site uses and activities (billboards). (*Advertised in the Daily Progress on August 16 and August 23, 2010.*)

The executive summary forwarded to Board members state that in May 2010, Nelson County contacted the Department of Conservation and Recreation (DCR) concerning Virginia Byway designation of Route 617, Rockfish River Road, in Nelson County. During a field evaluation of Route 617 on June 9, 2010, staff from DCR and the Virginia Department of Historic Resources (VDOT) determined that the terminus for the route, as proposed by Nelson County, did not meet the criteria for Byway designation. VDOT and DCR suggested designating Route 800, Schuyler Road, in Nelson County and Albemarle County, which intersects with Route 6, already a designated Virginia Byway, to create a continuous scenic route loop that would meet Byway criteria.

The Virginia Byway program identifies road corridors containing aesthetic or cultural value near areas of historical, natural, or recreational significance. Roads designated as Virginia Byways are identified

on a widely distributed Map of Scenic Roads in Virginia and promoted on the Virginia Scenic Roads website. The program encourages travel to interesting destinations on these roads, which are generally away from high-traffic corridors. Byways typically stimulate local economies by attracting visitors to lesser-known destinations.

A Virginia Byway designation does not impose any restrictions on private property, except that it may prohibit installation of new signs advertising off-site uses and activities (billboards) along these roads. Such signage is already restricted by County regulation. All other regulatory authority remains with the locality. A Virginia Byway designation does not limit VDOT's ability to maintain, operate or improve transportation facilities on such designated roads.

As implied in the letter to County Executive Robert W. Tucker, Jr. and verbally confirmed with DCR, VDOT and DCR staff have indicated that the segment of Route 800 from Route 6 (which is already a designated Virginia Byway) to the Albemarle/Nelson County line is eligible and should be considered for Virginia Byway designation. Prior to Virginia Byway designation by the State, the Board must adopt a resolution in support of the designation. The Board may hold a public hearing on the proposed designation, but a public hearing is not required. A public hearing was advertised and notices were mailed to all adjacent property owners. Nelson County staff have confirmed that Nelson County will designate the portion of Route 800 in Nelson County contingent upon Albemarle County's action.

The intent of the designation is consistent with the County's Comprehensive Plan goals to protect economic development and natural, cultural, and historic resources including:

**Goal:** Protect the County's historic and cultural resources.

**Objective:** Pursue additional protection measures and incentives to preserve Albemarle's historic and archeological resources in order to foster pride in the County and maintain the County's character.

**Goal:** Preserve the County's scenic resources as being essential to the character, economic vitality and quality of life.

**Objective:** Maintain the visual integrity of all Albemarle's roadways.

**Strategy:** Pursue additional Virginia Byway designations for roads meeting State criteria.

**Goal:** Maintain a strong and sustainable economy: 1) benefiting County citizens and existing businesses and providing diversified economic opportunities; 2) supportive of the County's Growth Management Policy and consistent with the other Comprehensive Plan goals; and 3) taking into consideration the greater Charlottesville Metropolitan region.

**Objective:** Base economic development policy on planning efforts which support and enhance the strengths of the County.

**Strategy:** Increase the promotion of tourism focused on the rural, agrarian, and historical resources of the County, and which does not threaten or compromise those resources and to be consistent with the goals of the Comprehensive Plan.

A resolution supporting Virginia Byway designation for Route 800 is attached.

There is no direct budget impact of designating these Routes State Scenic Byways.

At the conclusion of the public hearing, staff recommends that the Board adopt the attached Resolution supporting Virginia Byway designation for Route 800.

---

Mr. Benish said that this is a public hearing to review a request for Virginia Byway designation for Schuyler Road – Route 800. He explained that this request originated from Nelson County as part of their effort to designate Route 617 in Nelson County for Virginia Byway designation. Upon review of the criteria for that designation, the Department of Conservation and Recreation determined that the entire length was not eligible, and VDOT staff along with DCR staff recommended that Route 800 – connecting from the eligible portion of Route 617 through Nelson and Albemarle to Route 6 be designated. He stated that this would create a complete loop of Virginia Byway designations – as Route 6 and Route 151 in Albemarle and Nelson are already designated. Mr. Benish explained that Route 800 goes from downtown Schuyler, from the quarry, to Route 6. Virginia Byway designation does not impose any restrictions on private property except for billboard restrictions, which are already restricted by County regulation. He commented that the designation encourages travel to scenic and interesting destinations and supports local economies and tourism. Mr. Benish said the request is consistent with the Comprehensive Plan to preserve scenic resources and designate eligible roads. Mr. Benish stated that staff recommends the proposed resolution in support of Virginia Byway designation for Route 800.

Ms. Mallek commented that a lot of rural artisans are signing up to be on the Artisan Trail, which will have a lot of loop connections through Albemarle and Nelson. This will be very helpful.

Mr. Snow asked if there are any downsides to the residents of the area.

Mr. Benish responded that there are no regulations as part of this. The biggest impact is potential traffic because of advertisement through a scenic road map provided by VDOT. He emphasized that the traffic isn't likely to be significant, and the designation is supportive of the local tourism economy.

Mr. Boyd asked if there was notification sent to property owners for this designation.

Mr. Benish replied that all adjacent property owners were notified by letter, and there have been no phone calls or other responses to the proposed designation.

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

Mr. Dorrier **moved** to adopt the proposed resolution supporting Virginia Byway designation for Route 800. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

#### **RESOLUTION SUPPORTING VIRGINIA BYWAY DESIGNATION FOR ROUTE 800**

**WHEREAS**, the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation have determined that Route 800 (Schuyler Road), from Route 6 (Irish Road) to the Albemarle/Nelson County line, qualifies for designation as a Virginia Byway; and

**WHEREAS**, this route has a relatively high aesthetic or cultural value, leading to or within areas of historical or natural significance; and

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

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

**WHEREAS**, the land along Route 800 is zoned Rural Areas and is designated as Rural Areas in the County's Comprehensive Plan; and

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

**WHEREAS**, the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation have expressed their support for the designation of this route as a Virginia Byway.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, hereby supports the designation of Route 800 (Schuyler Road), from Route 6 (Irish Road) to the Albemarle/Nelson County line, as a Virginia Byway; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Albemarle County requests that the Commonwealth Transportation Board take all necessary actions to effect a designation of this route as a Virginia Byway.

---

**(Note: At this time the Board returned to take action on SP-2007-00028 and SP-2007-00029.)**

Mr. Davis said that Mr. Cilimberg has prepared a standard condition to be added to both the special permit approvals. He suggested that the Board take action to reapprove them.

Mr. Cilimberg noted that the additional condition would add seven conditions for SP-2007-00028 and eight conditions for SP-2007-00029.

Mr. Rooker **moved** to approve SP-2007-00028 subject to the seven conditions as recommended by staff. Mr. Dorrier **seconded** the motion.

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

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

NAYS: None.

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

1. Development of the use shall be in accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - building orientation
  - building mass, shape, and height;
  - location of buildings and structures
  - turn lane design;
  - location of parking areas;
  - relation of buildings and parking to the street.

- Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The area of assembly shall be limited to a maximum three hundred ninety nine (399)-seat sanctuary;
  3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties;
  4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval shall be required prior to approval of the final site plan;
  5. Health Department approval of well and/or septic systems shall be required prior to approval of the final site plan;
  6. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted according to "Restoration/Establishment Table A" in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation; and
  7. If the use, structure, or activity for which this special use permit is issued is not commenced by September 1, 2014, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

---

Mr. Rooker then **moved** to approve SP-2007-00029 subject to the eight conditions as recommended. Mr. Dorrier **seconded** the motion.

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

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

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

1. Development of the use shall be in accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
    - building orientation
    - building mass, shape, and height;
    - location of buildings and structures
    - turn lane design;
    - location of parking areas;
    - relation of buildings and parking to the street.Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
  2. The maximum number of children shall not exceed fifty (50) or the number of students as approved by the Health Department or the Department of Social Services, whichever is less;
  3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties;
  4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval shall be required prior to approval of the final site plan;
  5. Health Department approval of well and/or septic systems shall be required prior to approval of the final site plan;
  6. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted according to "Restoration/Establishment Table A" in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation;
  7. The hours of operation for the day care shall not begin earlier than 7:00 A.M. and shall end not later than 6:00 P.M., each day, Monday through Friday, provided that occasional day care-related events may occur after 6:00 P.M.; and
  8. If the use, structure, or activity for which this special use permit is issued is not commenced by September 1, 2014, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.
-

Agenda Item No. 13. **Public Hearing: An ordinance to amend section 4-105, Care of companion animals; penalty, section 4-400, Vaccination of dogs and cats required, and section 4-401, Rabid animals, of Chapter 4, Animals and Fowl, of the Albemarle County Code.** The proposed ordinance amends the local animal laws to parallel the re-codified Virginia Code provisions related to local animal laws by increasing the penalty for repeated violations of section 4-105 and by clarifying in sections 4-400 and 4-401 the procedures and responsibilities among the Health Department, the County and others to prevent and control rabies. (*Advertised in the Daily Progress on August 16 and August 23, 2010.*)

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

On July 8, 2009 the Board adopted a comprehensive amendment to Chapter 4, Animals and Fowl, of the Albemarle County Code to bring the County's animal laws into conformance with State law. During the 2010 Legislative Session, the General Assembly amended some of the State animal laws by amending Virginia Code section 3.2-6503 to require additional penalties for subsequent violations of animal care laws and Virginia Code sections 3.2-6521 and 3.2-6522 to clarify the procedures and responsibilities for prevention of rabies and control of animals with rabies. This ordinance is brought forward as a housekeeping matter to bring the County Code into compliance with the State Code.

The attached draft ordinance would amend the following sections of Chapter 4, Animals and Fowl, to conform the County Code to the recent State animal law amendments:

**Section 4-105.** Clarifies that a violation of the care of companion animals is a class 4 misdemeanor, and adds that a second or subsequent violation of not providing adequate feed, water, shelter or veterinary care shall be a class 2 misdemeanor, and a second or subsequent violation for failing to provide adequate space, exercise or care, treatment and transportation shall be a class 3 misdemeanor.

**Section 4-400.** Clarifies and adds that all dogs and cats over the age of four months must be vaccinated; that rabies certificates shall be issued to the owner or custodian of the animal; that the veterinarian shall keep a copy of the rabies vaccination certificate; and that the director of the Charlottesville/Albemarle Health Department has the discretion to decide that the medical record from a licensed veterinary reflecting a current vaccination status for an animal may serve as proof of vaccination.

**Section 4-401.** Clarifies the procedures and responsibilities for animal owners, animal custodians, the Charlottesville/Albemarle Department of Health, and the County, for handling, reporting, treating, and disposing of rabid animals or animals suspected to have rabies.

Staff anticipates minimal additional enforcement by animal control officers under the proposed ordinance and, therefore, there should be a minimal budget impact.

Mr. Tucker said staff recommends that the Board adopt the attached ordinance after the public hearing.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed, and the matter placed before the Board.

Mr. Rooker **moved** to adopt the proposed Ordinance to amend section 4-105, Care of companion animals; penalty, section 4-400, Vaccination of dogs and cats required, and section 4-401, Rabid animals, of Chapter 4, Animals and Fowl, of the Albemarle County Code. Mr. Dorrier **seconded** the motion.

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

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

NAYS: None.

#### **ORDINANCE NO. 10-4(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, BY AMENDING ARTICLE I, IN GENERAL, AND ARTICLE IV, RABIES CONTROL.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, Article I, In General, and Article IV Rabies Control, is hereby amended and reordained as follows:

#### **By Amending:**

Sec. 4-105	Care of companion animals; penalty
Sec. 4-400	Vaccination of dogs and cats required
Sec. 4-401	Rabid animals

### **CHAPTER 4 ANIMALS AND FOWL**

#### **ARTICLE I. IN GENERAL**

#### **4-105 Care of companion animals; penalty.**

A. Each owner shall provide the following for his companion animal:

1. Adequate feed;
2. Adequate water;
3. Adequate shelter that is properly cleaned;
4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
5. Adequate exercise;
6. Adequate care, treatment, and transportation; and
7. Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every pound, animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

B. Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision A1, A2, A3, or A7 is a Class 2 misdemeanor and a second or subsequent violation of subdivision A4, A5, or A6 is a Class 3 misdemeanor.

(Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10)

**State law reference**—Va. Code § 3.2-6503.

#### **ARTICLE IV. RABIES CONTROL**

**State law reference**-- Va. Code §§ 3.2-6521; 3.2-6522; 3.2-6523; 3.2-6525

##### **Sec. 4-400 Vaccination of dogs and cats required.**

A. The owner or custodian of all dogs and cats four (4) months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer or other law enforcement officer, state veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the director of the Charlottesville/Albemarle Health Department, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

(Code 1967, § 4-35; 4-8-87; 12-14-88; Code 1988, § 4-38; Ord. 98-A(1), 8-5-98, § 4-500; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10)

**State law reference**—Va. Code § 3.2-6521.

##### **Sec. 4-401 Rabid animals.**

Any dogs or cats showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the director of the Charlottesville/Albemarle Health Department, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided in Virginia Code § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the director of the Charlottesville/Albemarle Health Department and may include euthanasia and testing.

Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the Charlottesville/Albemarle Health Department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.

Any dog or cat, for which no proof of current rabies vaccination is available, and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be isolated in a pound, kennel or enclosure approved by the Charlottesville/Albemarle Health Department for a period not to exceed six (6) months at the expense of the owner or custodian in a manner and by a date certain as determined by the director of the Charlottesville/Albemarle Health Department. A rabies vaccination shall be administered by a licensed veterinarian prior to release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian immediately following the exposure and shall be confined to the premises of the owner or custodian, or other site as may be approved by the Charlottesville/Albemarle Health Department, at the expense of the owner or custodian, for a period of forty-five (45) days. If the director of the Charlottesville/Albemarle Health Department determines that isolation is not feasible or maintained, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code § 3.2-6546. The disposition of such dogs or cats not so confined shall be at the discretion of the director of the Charlottesville/Albemarle Health Department.

At the discretion of the director of the Charlottesville/Albemarle Health Department, any animal that may have exposed a person shall be confined under competent observation for ten (10) days at the expense of the owner or custodian, unless the animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be euthanized as provided in Virginia Code § 3.2-6546.

When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of the director of the Charlottesville/Albemarle Health Department and may include euthanasia as provided in Virginia Code § 3.2-6546, or as directed by the state agency with jurisdiction over that species.. When any animal, other than a dog or cat, is exposed or may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of that newly exposed animal shall be at the discretion of the director of the Charlottesville/Albemarle Health Department.

When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the Department of General Services or be tested as directed by the Charlottesville/Albemarle Health Department.

Any person who fails to comply with the provisions of this section shall be guilty of a class 1 misdemeanor.

(Code 1967, § 4-37; Code 1988, § 4-40; Ord. 98-A(1), 8-5-98, § 4-502; Code 1967, § 4-38; Code 1988, § 4-41; Ord. 98-A(1), 8-5-98, § 4-503; Ord. 09-4(1), 7-8-09; Ord. 10-4(1), 9-1-10)

**State law reference—**Va. Code § 3.2-6522.

---

Agenda Item No. 14. Overview of the County's Efforts to Obtain Grants and Leverage County Resources.

The following executive summary was forwarded to the Board:

Recent economic challenges, coupled with the availability of additional Federal, State and regional grant opportunities to support economic and job growth, environmental efforts and many community health and safety needs, have raised the County's interest and involvement in competing for grants. The County's ability to take advantage of these grant opportunities and to leverage tax dollars to increase its ability to provide core services is perhaps more important now than ever.

Recognizing the need to be efficient and effective in the grant selection and application process and the administration of grants that are awarded, the County Executive created a Grants Committee to provide general oversight and administrative guidance to the departments and agencies involved in grant application and administration. In addition, staff has developed written policies, established an internal grant tracking process, and initiated training programs to enhance the County's ability to write and obtain grants.

Among the challenges associated with grant applications is the availability and timeliness of matching funds. Staff supports the idea of establishing a fixed amount of funding as a "Grants Leveraging Fund" to provide a source of local funding for matching funds for grant opportunities. The allocation and use of these funds could be overseen by the Grants Committee.

At the September 1 Board meeting, Ms. Lori Allshouse will provide an overview of the County's efforts in the selection, award and administration of Federal, State, local and foundation grants, and will report on the County's recent grant awards and successes, as well as the efforts and functions of the Grants Committee.

Ms. Allshouse will also propose and request Board consideration of the establishment of a Grants Leveraging Fund that will increase the County's abilities to obtain grants. Throughout the year, staff in various departments becomes aware of grant opportunities that require matching funds and in past years, and depending on the size of the match required, departments have used limited funds that may have been available in their operating budgets to accommodate the match requirement. There are many grant opportunities that are not pursued by the County due to a lack of available matching funds.

Staff believes that a "Grants Leveraging Fund" would better position the County's to take advantage of short term grant offerings that would benefit core operations. Specific use of the Fund would be as recommended by the County's Grants Committee in accordance with an established set of strict policies and guidelines. For example, the guidelines could specify that the Fund be used to obtain grants that would support core County priorities, provide an adequate return on investment, and not require on-going County financial support after the grant period ends. Any use of the Fund would be subject to approval by the County Executive. To establish the Fund, staff recommends an amount up to \$100,000 be provided from the County's FY 09/10 year-end local government operational expenditure savings in accordance with the County's end of the year budgeting guidelines. The reappropriation request would be presented to the Board for consideration in October as part of the end-of-year reappropriations requests. If this Fund is established, the Grants Committee would closely monitor the use of the Fund for the first year, and would make recommendations regarding any changes it feels are necessary after that period.

The award of a grant to the County helps to fund critical services for citizens that would otherwise be funded by general tax revenue or not funded.

Staff recommends that the Board approve the establishment of a "Grants Leveraging Fund" with an initial funding of up to \$100,000 from the County's FY 09/10 year-end operational expenditure savings. If approved, a reappropriation request will be presented to the Board for approval in October.

---

Mr. Bill Letteri said that he and Ms. Lori Allshouse would be discussing staff efforts to obtain grants and manage them internally, as well as discussing the magnitude and diversity of grants in the County. Mr. Letteri said that they would also present a proposal for a grants leveraging fund to enable the County to be responsive and flexible with respect to grant opportunities. He stated that grants remain a really important and critical component of the County's revenue stream every year. Grants fund a variety of core operations such as human services, public safety, stormwater management, etc. Mr. Letteri commented that it's important to create a system to leverage these outside funds whenever possible. He explained that last year through authority of the County Executive's office, a grants committee was formed with people in County government who had strong background experience with grants – such as Ms. Allshouse. Mr. Letteri said that Ms. Tammy Critzer serves as a link between financial statements and grant activities; Mr. Michael Culp has been instrumental in looking at regional programs for broadband; and Mr. Jonathon Earl has been successful in securing grants for law enforcement operations. Mr. Letteri added that the other committee members include: Mr. Dan Eggleston, Mr. Greg Harper, Mr. Tom Hanson, Mr. Hugh Gravitt, Ms. Lindsay Harris, Ms. Sonia Jammes, Mr. John Oprandy, Mr. Ron White, Ms. Lynette Cary and Ms. Sarah Temple.

Mr. Letteri said that the grants committee has only been in existence for six to eight months, but the level of coordination around the County has already improved and they are trying to develop policies and procedures to ensure that grants pursued are meaningful for the County. He stated that the Committee believes that everyone on staff should be aware and knowledgeable of grant opportunities and how to find grants. They are working towards trying to develop that internal knowledge base among staff. Mr. Letteri added that prior to sending a grant to the County Executive's office for final approval, staff needs to make sure that it's not burdening the County to do things it doesn't need to do. It's about core operation. He said that the issue of compliance is extremely important, as is being able to track activities and expenditures, and Access Albemarle has been helpful with that.

Ms. Allshouse, Director of the Office of Management and Budget, said that many of the County's grants are multi-year, and many are also multi-jurisdictional. Some grants are received by agencies and the County is the fiscal agent. She commented that some grants are considered donations – such as the VML "Go Green" award presented to the County – which can also add complication to identifying outside resources. Some grants are appropriated or received at different times throughout the year. Ms. Allshouse added that the County is moving to a tracking system that will allow for every grant to be entered into a database that can quickly provide reports on grant sources, amounts, reporting requirements, and other detail.

Mr. Dorrier asked if this also included education grants.

Ms. Allshouse responded that education grants are in a separate category. This information pertains to General Government allocations that also include some agency grants.

Mr. Snow asked if these would be combined at any point with schools.

Ms. Allshouse responded that they are doing a lot of joint work with the School Division, but they already have a sophisticated tracking system.

Mr. Snow asked what percentage grants add to the County's overall budget.

Ms. Allshouse said she has that number for General Government, but not schools.

Mr. Tucker said that the grants would need to be delineated as anticipated grants approved every month that are already in the budget – all may not be on top of the total budget.

Mr. Snow reiterated that he is interested in finding out the grant total for the schools.

Ms. Allshouse said she would work on getting that number.

Ms. Allshouse reported that the County – working with partnering agencies in some cases – received 46 grants totaling \$5.48 million in FY10, with ECC being one of the strongest grant drivers in the nation. She emphasized that "partnership is key," and Mr. Hanson has been a leader in this regard – helping to pull down \$1.9 million in grants for ECC. Ms. Allshouse also said that the County also has several environmental grants – totaling almost \$1 million – including a \$401,000 energy grant that was part of the Stimulus Program and the Southeast Energy Alliance grant. She stated that Mr. White has a strong history of pulling down grants at the State level, including \$833,000 for housing. Ms. Allshouse added that grants for law enforcement have helped support overtime. The CIP brings in grants - \$758,000; she reiterated this is just for General Government. She said that human service agencies continue to seek and receive grants (\$330,000), and the Mellon Foundation provided \$60,000 for an accessible playground at Walnut Creek. She mentioned that some of the entitlement funds that come into the County might not be paid directly, such as housing vouchers that are awarded to individuals.

Ms. Allshouse explained that the Committee would like to establish a "grants-leveraging fund" for grants that need a cash match, which would enable access to immediate and timely funds for grant opportunities requiring a local match and would increase the County's ability to apply for and obtain outside funding to benefit citizens. She said that the fund would theoretically be funded with up to \$100,000 in year-end operational expenditure savings. Ms. Allshouse said that the fund would have strict policies and guidelines for use to support grants for core services and County priorities, to support grants that have significant return on investment, to support grants not requiring ongoing County funding and use of the fund would require the County Executive's final approval – with evaluation of success to take place at end of year. Ms. Allshouse said staff's recommendation is to direct staff to pursue the establishment of a "Grants Leveraging Fund" with initial funding of up to \$100,000 from FY10 year-end General Government operational expenditure savings. She stated that if the Board approves this approach, a reappropriation request will be presented to the Board for final approval in October.

Ms. Mallek asked if the Board is currently brought into the process after a grant has been received, then takes action on whether or not to accept it.

Ms. Allshouse replied, "yes".

Mr. Boyd asked what percentage of the \$5.4 million requires matching funds.

Ms. Allshouse replied that she has identified approximately \$110,000 needed for matching. She added that in the past when there was more flexibility in the budget, departments would pursue other grants, but since there are no funds available, they do not pursue them as freely.

Mr. Dorrier asked who determines what grants are applied for.

Mr. Tucker responded that staff decides for the most part. He added that this approach is a reflection of this Board's request for staff to pursue more grant funds because there isn't sufficient local revenue. He emphasized that a lot of it is in-kind and some of it pertains to revenues that must be matched, but staff's concern is with grants that become available mid-year when they haven't had budgeted for them ahead of time but still want to take advantage of the opportunities.

Mr. Snow asked what the operational savings were for FY 2010.

Mr. Tucker replied that the savings were approximately \$2.0 million, and that would go in the General Fund.

Mr. Boyd commented that the funds could be set aside, but he is concerned with having the Board removed from the approval process.

Mr. Tucker explained that the matters would still come before the Board for final approval.

Ms. Allshouse added that the committee envisions the process as having the Board approve any appropriation of the fund, and this would provide freedom to move forward with grants.

Mr. Tucker stated that there can't be allocation without Board approval.

Mr. Boyd said that some of the grants come with a high price tag, especially on the School side.

Ms. Allshouse emphasized that the committee has focused on core services and the grants applied for now receive a thorough vetting before staff puts any time into pursuing them. She added that sometimes the administrative burden of a grant exceeds its worth so they evaluate on that basis as well.

Mr. Dorrier commented that the school grant program seems to have some weakness, and the County should help rectify that.

Mr. Snow and Mr. Rooker indicated that those are not within the County's purview, as the School oversees its own budget.

Mr. Rooker commented that he likes the idea of a more formal committee structure, noting that very few General Government grants have had strings attached. He said that the 800 MHz communication system was funded with about 40 percent federal grant money, and if there is staff willing and able to pursue outside funding the Board needs to strongly support those efforts, especially in times when revenues are dear. Either the Albemarle will get the money or someone else will.

Mr. Snow said he supports it.

Mr. Dorrier mentioned that the Lewis & Clark group pursued highway money with the assistance of Mr. Butch Davies, and ended up with a grant that will fund a fantastic building and project.

Mr. Boyd said that there is agreement on the need for grant money, but he just wants to make sure the Board is still involved in the approval process.

Mr. Snow then **moved** to approve the establishment of a "Grants Leveraging Fund" with an initial funding of up to \$100,000 from the County's FY 09/10 year-end General Government operational expenditure savings. Mr. Thomas **seconded** the motion.

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

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

NAYS: None.

Mr. Snow commented that he is excited about the work of the committee.

---

Agenda Item No. 15. Community Advisory Council Restructuring.

The following executive summary was provided to Board members and referred to during Ms. Catlin's presentation:

During budget work sessions prior to adoption of the FY10/11 Budget, several impacts to Board appointed committees were noted resulting from staff reductions and repositionings in that budget, specifically:

- Community engagement and public participation activities related to master planning will be significantly reduced.
- Committees, Boards, and Commissions not supporting core functions will receive reduced staff support.

Given those realities, staff is anxious to meet the challenge of maintaining the County's strong commitment to effective and sustainable community engagement through Board appointed committees in changed circumstances. This means looking at restructuring and reducing as we have done with other County services not determined to be core and refining our methods of engagement, including thoughtful use of evolving technology tools and productive use of staff and community member time and energy.

Currently there are 68 total appointed committees, boards and commissions that involve staff, citizens and/or elected officials. Of this total, 12 are required by County Code, 38 are regional entities and 18 have been established at the discretion of the Board of Supervisors. A complete list of these groups is provided in Attachment A (on file in Clerk's office). The first step in reexamining these groups to make sure we are maintaining a sustainable level of engagement and support in our changed circumstances is focused on the Community Advisory Councils, which have some urgency because of the status of several of the master plans. Staff anticipates coming back to the Board in the future with considerations of options to ensure efficient and meaningful functioning of other groups on the list.

Staff updated the Board regarding the status and potential restructuring of master plan Community Advisory Councils at the May 5 Board meeting. The discussion recognized the important community liaison role that the advisory councils play once master plans are adopted for particular development areas to continue community dialogue and citizen engagement with the County during master plan implementation. The discussion also acknowledged the need to revisit the charge and procedures of the Advisory Councils given the County's current financial and staffing situation.

The Board directed staff to propose a redefined charge and procedures for approval prior to adoption of Places29 with the understanding that the Places29 councils would be created under the refined approach and that existing councils would be transitioned to the redefined charge and procedures. This executive summary outlines the proposed redefinition. As circumstances change regarding staffing availability and CIP funding, the Board can choose to reexamine the charge and procedures of councils as they deem appropriate.

The Community Advisory Councils were originally conceived of, and the Crozet and Pantops Councils were actually appointed, at a time when staffing was anticipated at a different level including a full time community engagement specialist and several additional neighborhood based planning positions. Also, the County's CIP was much more robust with significant funding programmed and anticipated for capital investment in the infrastructure projects called for in the master plans. At that time, the Councils were charged to fulfill 11 areas of responsibility and produce several work products including an annual 12-month work plan of priority action items. A copy of the original committee charge and procedures is included as Attachment B and C (on file in Clerk's office). Staff responsibilities for the councils included the following major tasks:

- preparing agenda items
- researching issues of interest
- responding to inquiries from Council members
- updating the website
- advertising meetings/providing follow up on action items
- planning/coordination of special events and projects

The situation has changed with the elimination of key staff positions and repositioning in the areas of Community Engagement, Community Development and other departments that have reduced the amount of direct on-going staff support that can be dedicated to the advisory councils. For example, the Community Engagement position has been eliminated as have three positions in Planning that directly supported master planning and the Community Advisory Councils. Additionally, the CIP budget has been significantly reduced with resulting elimination or delay to master plan implementation projects in addition to reductions in VDOT funding for transportation projects. With these reductions, there is significantly less project planning and implementation to drive the need for community engagement activities.

In summary, staff cannot meet current expectations regarding the Advisory Councils due to funding and organizational changes. The need exists to define a more targeted role and create realistic expectations for citizens as to how the councils will function so that the councils can still continue to fulfill an important community liaison role.

Given reduced staff resources and CIP funding for the foreseeable future, the Advisory Councils will serve a more supportable and productive role if they focus specifically on the advisory and communication aspects of their mission—serving as a liaison to share important information and provide feedback on community issues rather than being expected to develop action plans, initiate activities, etc. Community groups outside of the advisory councils who are not appointed bodies of the Board of Supervisors and don't have FOIA issues or significant staffing needs may be better suited to provide that higher level of community organizing and involvement.

Regarding FOIA, it is important to be aware of the requirements of the Advisory Councils as groups appointed by the Board of Supervisors. Committees appointed by the Board are public bodies under the FOIA and are subject to all of its requirements. This requires public notice of meetings, prohibition of electronic meetings, agenda packets being available for public inspection at the time the documents are provided to committee members and having all public records of the committee members or the committee being available for timely public inspection. The committee members are also subject to the Virginia Conflict of Interests Act and records retention requirements of the Virginia Public Records Act.

A proposed new council charge and rules of procedure are provided in Attachment D and E (on file in Clerk's office). As circumstances change regarding staffing and CIP funding, the Board is certainly able to reexamine the mission and procedures of the advisory councils. If the Board desires to continue the councils with their current charge and procedures, more staffing will need to be identified for this effort.

Staff suggests the following procedure to accomplish the redefined mission:

- One meeting annually with all councils present to discuss issues of interest common to all development area residents. This annual meeting would serve as the only meeting for the Village of Rivanna due to its size and lack of any master plan implementation projects.
- 2 or 3 other meetings throughout the year would be scheduled for the Crozet, Pantops and Places29 councils depending on need and implementation activity. Staff would also continue to convene project specific community meetings when necessary in addition to these regular meetings.
- Other councils formed in the future would abide by these procedures, and the procedures may need to be revisited as the total number of groups increases based on the staffing situation at that time.
- Between meetings staff would support the councils' communications role by providing appropriate updates regarding development activity and capital project status and would continue using electronic tools such as master plan websites and A-mail updates to provide information.
- If councils were to meet more frequently than outlined above without staff present they would need to be mindful of their obligation to fulfill FOIA and other legal requirements and also realize that current staffing is very challenged to support additional work generated as a result of such meetings.

Staff recommends that the Board adopt the revised charge and procedures for master plan community advisory councils effective immediately.

---

Ms. Lee Catlin, Community Relations Director, said that the Board had a preliminary discussion at its May 5<sup>th</sup> meeting. She said that at that time they recognized and reiterated the important community liaison role the advisory councils play once the master plans are adopted and also acknowledged the need to revisit the charge and procedures of the advisory councils given the County's current financial and staffing situation.

Ms. Catlin stated that the FY09-10 budget process included a significantly lengthy list of service reductions that would need to happen as a result of the cuts in that adopted budget. She said that two of those impacts are important to keep in mind while moving forward – a significant reduction in community engagement and public participation activities related to master planning; and committees, boards and commissions not supporting core functions will receive reduced staff support. Given those realities, Ms. Catlin said, staff is eager to meeting the challenge of maintaining strong commitment to effective and sustainable community engagement. She stated that this will require restructuring and reducing, as was done with other County services determined not to be core – and refining methods of engagement to take advantage of technology tools and using staff and public time most effectively and productively.

Ms. Catlin referenced information in the Board packets, stating that there are 68 total appointed committees, boards and commissions – 12 of which are required by County Code, 38 of which are regional entities, and 18 that have been established at the Board's discretion. She said that there is some urgency to the community advisory councils because of the status of the Crozet Master Plan revision and the Places29 master planning. Staff may come back to the Board in the future with considerations of options for more efficient functioning of some of the other groups on the list. Ms. Catlin noted that the community advisory councils were conceived at a time when staffing was anticipated to be at different levels, and when a full-time community engagement specialist and several additional neighborhood-based planning positions were expected. She added that there was also anticipation that the CIP would be much

more robust than it is now and that there would be more action with projects that would actually implement the master planning. Ms. Catlin stated that there were several significant areas of responsibility that would have required extensive staff report.

Ms. Catlin reported that the budget decisions made led to the elimination of the Community Engagement Specialist position, three Community Development staff positions that directly support the advisory councils, and some other positions that would help the groups be effective. She also noted that the CIP budget was brought down to just a maintenance level, adding that there are four advisory councils needing staff support depending on decisions related to Places29 and with the upcoming Southern Urban Area study. Ms. Catlin mentioned the other focus areas as Crozet, Pantops, Places29. She said that given that scenario, as the councils are established now there could be a great deal of confusion and frustration. Ms. Catlin stated that the councils could serve a much more supportable and productive role if they focused specifically on the advisory, communication, feedback and liaison roles of their charge, rather than initiating a lot of activities and action plans. She added that there are groups such as neighborhood associations that play an important role in community engagement, but today's discussion is not about that and should instead focus on restructuring the councils.

Ms. Catlin said that staff is suggesting to have one annual meeting with all the councils present, as there is great benefit to be gained by bringing those groups together. She stated that staff is also recommending having two or three other meetings per year for most groups, and that project-specific meetings be convened for projects such as the Crozet streetscape or Pantops trail. Ms. Catlin added that in between meetings staff will reinforce the councils' communication roles by using A-mail, facebook and other technology for communication. She noted that responsibility for communication from each council to the public would lie with each council.

Mr. Snow asked if the councils could still meet as often as they wanted.

Ms. Catlin said that would need to be discussed further and Mr. Davis could comment.

Ms. Catlin again said that the procedures would be a change in the meeting schedule and that would be driven by revising the councils' charge to focus more on communication and feedback and less on action planning and initiating activities.

Ms. Mallek asked for an example in regards to community liaison role vs. initiating projects. She asked what project the CCAC has initiated that the staff has dealt with.

Ms. Catlin said it is more a fact of their charge requiring them to have an action plan. The charge requires them to lay out what activities they will initiate during the year. The CCAC main activity for the past year has been the master plan update. Ms. Catlin added that this does not preclude staff from working with the community on things that are important to them. What this is really about is defining the role of that council to a level that staff can sustain it and maintain it and make it meaningful, and not put expectations out there that the councils are not sure what they means and that staff is not sure that it can really support.

Ms. Mallek commented that she is fine with having the work plan requirements removed, but the Crozet Community Advisory Council members who have contacted her have said that they are capable of taking notes and are anticipating regular meetings.

Ms. Catlin stated that the Board needs to discuss what they see as appropriate for these appointed councils, and if groups were to decide they wanted to meet more regularly they need to do so within the legal guidelines of FOIA – and also that there won't be workload generated for staff. Staff is challenged by, and what they are trying to do today, is to create a sustainable and reasonable and meaningful role for these councils that the Board appoints – at a time when the reality is they have very reduced resources to do that.

Mr. Davis reiterated the concern over the Freedom of Information Act requirements, as there cannot be a meeting of more than two committee members without notice posted in the County Office Building on the first floor and outside the Clerk's office. He added that if records are produced for an agenda, they must be available to the press at the same time they're provided to committee members. Mr. Davis said that there are also records retention requirements. Without staff support these are burdensome requirements on a group of citizens who aren't really ready to deal with those issues, or they slip through the cracks and then it becomes a bigger problem.

Mr. Dorrier commented that the Board set up these committees, but doesn't really interact with them like they should.

Ms. Mallek said that she attends all of her committee meetings and knows exactly what is going on.

Mr. Snow added that he also attend committee meetings.

Mr. Boyd asked why there needed to be a Board-sanctioned committee in these cases. He asked why the Board cannot recognize the need for the committee but allow it to be a community organization which would free them from staff involvement and FOIA requirements.

Mr. Davis responded that if the Board dissolves those committees and doesn't appoint them, those community members are free to meet at any time and in any way they decide.

Ms. Catlin emphasized that these councils were meant to be an established conduit from the community to the County and back again in a communication and advisory role, not to eliminate the possibility of other groups emerging and doing their thing.

Mr. Boyd asked about the reality of these groups working autonomously – as a community engagement group.

Ms. Catlin replied that there would be some advantages, but she thinks the County loses something valuable when it does not have a group that has some stature with the Board and that connection with staff. She added that for the purpose of master plan implementation, there is some value of having an established group.

Ms. Mallek mentioned that when implementation started for the Crozet Master Plan, things didn't go as written, and that started a complete community rebellion. She added that the council provided a way to figure out how to get back on track. For the other communities who are just beginning to implement their master plans, it's very important that they not fall into the same trap that happened in Crozet. They do want to keep the citizens involved and engaged in the most productive way. Ms. Mallek added that minutes are taken and usually distributed within 24 hours of the CCAC meetings.

Mr. Boyd asked if storage of the minutes would be an issue.

Ms. Catlin said that it would not be a problem, but cautioned that a lot of the meetings require information from staff either before, during or after the meeting in order for the meeting to be productive. She stated that the Board should be careful not to create bodies that appear to take less time but end up taking the same amount of time.

Ms. Mallek stated that Board members should continue to be involved and could bring back concerns to staff.

Mr. Boyd said he does not want to establish a group that has a special "route" to the Board for projects they want to initiate.

Ms. Mallek said she also would not be in support of that.

Mr. Thomas said that with Places29, Commissioners appointed people to serve but that didn't work and it just fell apart. He asked if there is a Board-appointed group now for Places29.

Ms. Catlin explained that the community advisory councils get appointed once the master plan is adopted. The councils were envisioned to play a specific role – not intended to be "mini Planning Commissions" or development review boards, but were supposed to function on providing advice and feedback and community input on how the master plan was being implemented. They also were not supposed to take the place of other community vehicles such as homeowner and community associations.

Mr. Rooker said he thinks that staff's recommendation is good and prudent given current economic circumstances. He thinks it is important to maintain these committees in a formal status. He emphasized that the people who get appointed are trained and receive packets of information so they understand the Comp Plan and how it relates to zoning. Mr. Rooker said that it's very helpful to have a group of people in the community who acquire that kind of knowledge and become liaisons within their smaller communities. He added that it's also helpful to the Board to get input from those people, and he would hate to lose that formal status. He thinks the Board should try staff's recommendation and see how it works.

Mr. Snow, Mr. Thomas and Mr. Boyd indicated that they also support staff's recommendation.

Ms. Catlin noted that the decision can certainly be revisited in the future as time and priorities change.

Mr. Rooker added that the intensity of each council may vary from location to location.

Ms. Mallek said that it also may vary from year to year.

Ms. Mallek commented that often CCAC members show up at other locations to speak as individuals about community issues; they are not representing the CCAC. She asked if that creates an issue.

Mr. Davis said it can create an issue if it is a matter they are dealing with on the appointed committee and three or more of them get together in any other forum for the purpose of discussing that issue. That would be deemed a public meeting of the committee and would have to comply with FOIA. If they get together informally with no prearranged purpose of discussing that, then there is some grey area.

Mr. Davis added that one way to ensure transparency is to narrow the charge of the committee so that the issues members are dealing with on that agenda are not the same issues that they're dealing with in their other community functions.

Mr. Rooker then **moved** that the Board adopt the revised charge and procedures for the master plan community advisory councils effective immediately. Mr. Snow **seconded** the motion.

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

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

NAYS: None.

### **COMMUNITY ADVISORY COUNCIL Revised Charge**

**Background:** Community residents, local government, the business community, and other organizations play a role in shaping a community. The Master Plans are created with substantial time and effort from all these groups collaboratively. To continue that collaboration and communication, the Plan calls for the appointment of a citizen group that will serve as one of the major vehicles by which the communities will remain engaged in the plan's implementation.

The Advisory Councils will provide assistance, feedback and input to County staff and the Board of Supervisors on community and county efforts related to implementation of the Master Plan, in accordance with established county procedures. Advisory Council members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, business people, and representatives of community groups a chance to be engaged and to be heard in a constructive and meaningful way.

The Councils will be a catalyst for helping foster a sense of community and work towards effective and efficient Master Plan implementation. The Advisory Councils will contribute to public understanding of and support for Master Plan implementation through enhanced communication and collaboration among all stakeholders, and will seek to identify, and communicate and collaborate with unrepresented stakeholder groups.

**Timing:** The Advisory Council should be formed immediately after the adoption of the Master Plan.

**Membership:** The Board of Supervisors shall appoint ten to fifteen members to the Council with representation from the following:

- Citizens at large
- Property owners and Stakeholders
- Business community members
- Civic/neighborhood organizations
- Representatives from adjoining areas

There shall also be a Planning Commission liaison appointed to the council who will attend meetings, report back to the Commission at its regular meetings with a synopsis of the Council's meetings/activities, as appropriate. The liaison, along with other Commissioners, may identify agenda items or updates that should be provided to the Council and the greater Master Plan area.

County planning staff will coordinate all staff support to the Advisory Council; ensure meeting supplies, print and copy agenda and meeting materials.

**Time**

**Commitment:** All Councils will meet together as a group annually to focus on issues of common interest to development area communities and individual councils will meet several more times during the year as needed based on master plan implementation activity.

**Length of Term:** Members will be appointed for either a 2 or 3 year term to stagger the transition of new members on and off the council.

**Responsibilities:**

1. Serve as liaisons by: 1) contributing to public understanding of and encouraging support for Master Plan implementation; 2) keeping the community informed of the needs, purposes, and progress of Master Plan implementation; 3) encouraging interest and participation in community and county efforts related to the Master Plan and participation in public meetings; and 4). enhancing collaboration among all community stakeholders.
2. Gather input from constituencies represented and bring these issues to the attention of staff and the Council, and distribute information from the council back to constituents.
3. Stimulate creative thinking in examining implementation issues and identify ways of using community resources to meet implementation needs and challenges.
4. Provide information to the Board of Supervisors as requested.

- Principles:** To assist with meeting facilitation thereby ensuring that all members' voices are heard and viewpoints considered, all Council members will:
- ❖ Act on the basis of information and understanding.
  - ❖ Focus their efforts strategically to achieve the greatest possible contributions.
  - ❖ Strive to achieve a consensus on actions/recommendations that are important to Master Plan implementation.
  - ❖ Comment as a council constructively and with appropriate suggestions and offers of help.
  - ❖ Work toward benefiting Master Plan implementation rather than special needs or interests
  - ❖ Accept responsibility for the success of the Advisory Council by contributing appropriate time and energy.

- NOTE:** Each committee member will receive the following, some of which will be distributed prior to the first meeting and some of which will be developed during the first committee meetings with the committee:
1. Copy of the Master Plan
  2. Copy of the Information for Advisory Committee Members
  3. Copy of Advisory Committee Procedures
  4. Advisory Committee Members List
  5. Advisory Committee Meeting Schedule
  6. Advisory Committee Action Plan

\* \* \* \* \*

## ALBEMARLE COUNTY COMMUNITY ADVISORY COUNCIL

### RULES OF PROCEDURE

#### 1. Officers

- A. Chairman. At its annual meeting, the Committee shall elect a Chairman who, if present, shall preside at the meeting and at all other meetings during the year for which elected.
- B. Vice-Chairman. At its annual meeting, the Committee shall elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability.
- C. Secretary. At its annual meeting, the Committee shall elect a Secretary, who, if present, shall record the proceedings of the meeting.
- D. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms.
- E. Absence of Chairman and Vice-Chairman. If the Chairman and Vice-Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

#### 2. Meetings

- A. Annual Combined Councils Meeting. All advisory councils will meet jointly once a year to review issues and concerns of interest to all development area residents. Following that meeting, staff and the individual advisory councils shall establish the day, time, and place for regular meetings of the Committee for that year, and shall elect the chairman, vice-chairman, and secretary.
- B. Regular Meetings. The Committee shall meet in regular session at the time and place and on the day or days established for regular meetings. The Committee may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Committee members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. This finding shall be communicated to the members of the Committee and to the press as promptly as possible.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Committee is complete.

- C. Attendance. Two unreported absences from regular meetings shall be considered grounds for dismissal from the Committee.

**3. Order of Business**

- A. Establishment of Agenda. The agenda for each regular meeting shall be established by staff in consultation with the Chairman.
- B. Organization of the Agenda. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chairman and with the consensus of the other members of the Committee:
  - (1) Call to order
  - (2) Announcements
  - (3) Scheduled presentations
  - (4) Discussion Items
  - (5) Community Updates
  - (6) Other business
  - (7) Adjourn
- C. Deferrals. The Committee may defer any matter at the request of a member of the Committee or County staff. The request may be either oral or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefore. A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely.

**4. Quorum**

A simple majority of the appointed members of the Committee shall constitute a quorum for any meeting of the Committee. If, during a meeting, less than a majority of the members of the Committee remains present, no action can be taken except to adjourn the meeting. If, prior to adjournment, a quorum is again established, the meeting shall continue.

**5. Voting Procedures**

- A. Approval of Motion by Majority. Except for a decision on a motion of the previous question, each decision of the Committee shall be made by approval of a majority of the members present and voting on a motion properly made by a member and properly seconded by another member. Any motion that is not seconded shall not be further considered.
- B. Manner of Vote. The vote on a motion pertaining may be either by roll call vote or voice vote, in the discretion of the Chairman; provided that a roll call vote on such a motion shall be required if requested by a member of the Committee. For each roll call vote, staff shall record the name of each member voting and how the member voted on the motion. For each voice vote, staff shall record the result of the vote.
- C. Tie Vote. A tie vote shall defeat the motion voted upon.
- D. Abstention. If any member abstains from voting on any motion, he shall state his abstention. The abstention shall be announced by the Chairman and recorded by staff.
- E. Motion to Amend. A motion to amend a motion before the Committee shall be discussed and voted by the Committee before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Committee for its consideration. If the motion to amend is not approved, the original motion is again before the Committee for its consideration.

**6. Amendment of Rules of Procedure**

These Rules of Procedure may be amended by a majority vote of the Committee at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

**7. Suspension of Rules of Procedure**

These Rules of Procedure may be suspended by the majority vote of the members of the Committee present and voting. The motion to suspend a rule may be made by any member of the Committee. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Committee; provided, however, approval of a motion to suspend the rule shall not permit the Committee to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

**8. Rules of Procedure not Covered by These Rules of Procedure**

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

---

Agenda Item No. 16. Quarterly Updates:

Item No. 16a. Albemarle County Service Authority, Gary O'Connell.

Mr. Gary O'Connell, Executive Director of the Albemarle County Service Authority, expressed his appreciation for the work that Mr. Tucker has done for the County over the years. Mr. O'Connell stated that Ms. Liz Palmer and Mr. John Martin from the ACSA Board of Directors are also present at the meeting. He said that the ACSA budget was adopted effective July 1, 2010 with a slight rate decrease for all customers, but in the future it's going to be difficult to present a budget that doesn't have a rate increase because of large capital projects and future projects with Rivanna. Mr. O'Connell reported that their largest project is the North Fork Regional Pump Station and the sewer force main – which is approximately a \$20.0 million project which serves the northern Route 29 corridor and allows them to handle the future sewer needs of proposed development. The ACSA has established a special rate district so that future growth in the area will pay for those project costs. He said that the financing is in place, and they just bid part of the project with the other part planning to bid later this month. Mr. O'Connell stated that by mid-November there should be construction activity commencing on the pump stations on Route 29, particularly at North Fork and Camelot with early spring construction likely for the pipeline.

He said that another priority project for the ACSA is sewer systems, with the first of two study phases recently completed for the Crozet sewer system. Mr. O'Connell reported that the Authority has started doing work out of the first phase for rehabilitation to try to get to infiltration and inflow – groundwater, rainwater that gets into the sewer system. He stated that letters and notices would be going to homeowners in the area of work.

Mr. O'Connell noted that the City, Rivanna and the Service Authority have been working together systematically looking at all their sanitary sewers to reduce the amount of infiltration and inflow into their common systems. During heavy wet weather, their sewer lines reach their full capacity from heavy rains entering the systems. He believes they have a good strategy for the next few years with some major projects in their systems. He added that there is targeted rehabilitation in the Meadow Creek area and Scottsville as well as Crozet. They are also moving into new drainage basins – Biscuit Run, Woodbrook, Ednam and the PVCC area – over the next few years.

Mr. O'Connell mentioned that there are 14 capital projects provided as part of their written report to the Board totaling several million dollars, including several tank improvement projects. He said that with the construction of the new Rivanna Meadow creek interceptor line, the authority will have the capacity to serve Albemarle Place – and based on his recent conversations with their development team, the timing appears to coincide well to have sewer provided there. Mr. O'Connell stated that local conservation efforts have been effective – including community education, continued advertising, a toilet rebate program, a rain barrel rebate program, a car wash certification program, free indoor conservation kits, rainwater harvesting, water savings retrofits, and a “pretty aggressive system-wide automatic leak detection program.” He added that more information about these efforts can be found at [www.serviceauthority.org](http://www.serviceauthority.org) or by calling 434-977-4511. Mr. O'Connell showed Board members the contents of a water savings kit, noting that changing a toilet in a house can save 20-30% per month. He noted that a person must be a Service Authority customer to qualify for the toilet rebate.

Ms. Mallek commented that modernizing machines such as washing machines helps rural people by prolonging the life of septic tanks and wells.

Mr. Rooker asked if any of these things are available in the rural area.

Mr. O'Connell replied that the ACSA budget only covers measures for their 17,000 customers.

Mr. Thomas asked if the Authority would generate enough income to pay their bills.

Mr. O'Connell replied that much of the savings have happened in the last five to eight years, noting that the biggest users 10 years ago were apartment complexes – and now they've done their retrofits, with the average household use overall from all consumers dropping from 6,500 gallons per month to 4,500 gallons per month over the last eight years. People are conserving and being efficient about how they use their water, but it still doesn't say we don't have a need for long-term water supply.

Mr. Boyd commented that the RWSA Board is talking a lot about the allocations of capital projects between the City Utility Department and ACSA, and there was a formula derived previously that was not accepted by the City. He said that his understanding is that the City would not make a decision until they know what that breakdown is. He said that he thinks they have a little bit of a chicken and egg situation here. Mr. Boyd emphasized that most of the cost of building the new dam would fall on the County, not on the ratepayers in the City – yet the decision is totally in control of the City Council. It really has to do with County needs, not City needs. He asked why the project can't be brought forward to the public so the cost allocation becomes known, so the cost sharing information can be known.

Mr. O'Connell replied that the Rivanna Board submitted a capital budget that includes all the projects for the Water Supply Plan. He said that wholesale rates have been run for that, and consequently the City and County staffs have run the rates for that. There's no increase in a customer's bill to support the Water Supply Plan that's there, under the current cost allocation. Mr. O'Connell said that there is still a discussion going on between the City, Rivanna, and ACSA regarding the allocation of the Moore's Creek Wastewater Treatment Plant. He indicated that the largest majority of new water capacity would be for

County customers, but you have to factor in possible future growth in the City, and particularly the University – which is a City customer and that is a negotiation.

Mr. Boyd said that he has been hearing from the City side that until ultimate plans are decided on, there would be no agreement on cost allocations. He emphasized that it's important that the ACSA and the City get together and come up with an allocation.

Mr. O'Connell commented that Rivanna's rate analysis – using the current cost allocation that's in the rest of the Rivanna budget – it doesn't increase anybody's rates to do all the water supply projects that are needed.

Mr. Rooker asked if that includes the pipeline.

Mr. O'Connell responded that if it's built out in FY 2020-25, that would be the case; the remaining items currently in the plan are covered in the next five years.

Mr. Rooker commented that there are components that are necessary to replace and upgrade existing infrastructure, which is based on current needs – and there is increased capacity to the system over the 50-year period.

Mr. O'Connell stated that the projects in the past have used that approach, and there are different percentages for maintenance versus new capacity. He added that the major question for the City is the University, and that's an important piece of the equation. In regards to the dam, Mr. O'Connell pointed out that whether there is new capacity built or not there are some safety issues and repairs – valued from \$7.0 million to \$10.0 million – that need to be shared on an equal basis. He emphasized that this is a negotiation between the involved parties, and that is how it has been approached for other decisions.

Mr. Boyd said that he would like to know how the formulas have been derived regarding capital improvements.

Mr. Tucker suggested that the best approach might be to have Supervisors talk to their individual appointees on the ACSA Board.

Mr. Dorrier stated that water rates would increase in the future, and there needs to be more detail provided about how much they would increase.

Mr. O'Donnell replied that the increase would not come in the next five years, based on the RWSA's analysis – but there would likely be an increase for wastewater projects. He added that the water supply projects can proceed without a rate increase at this point.

Mr. Rooker said that there has been significant misinformation circulated about a spike in rates because of the water supply, but the reality is that sewer rates will go up because of Chesapeake Bay and EPA requirements.

Mr. O'Connell stated that the large majority, probably three-fourths, of the new water supply cost would likely be from County customers, based on the current projections. He added that he believes a decision will be reached very soon.

---

Item No. 16b. Rivanna Water and Sewer Authority, Tom Frederick.

Mr. Tom Frederick, Executive Director of the Rivanna Water and Sewer Authority, congratulated Mr. Tucker on his retirement from the County, and said that Mr. Tucker has been a real inspiration in providing leadership and integrity. He stated that his plan today is to discuss solid waste and the community water supply.

He said that the RWSA appreciates the amendment to the local government support agreement recently worked out between the Board and City Council to provide direction to the free and fee-based programs offered through the end of December. Mr. Frederick said that most of the haulers are not using the RWSA's transfer facilities any longer, but the numbers from the public are still holding steady. He added that the RWSA has had a very favorable view from the majority of the public on the services they deliver, and very few complaints. Mr. Frederick stated that they have recently experienced an increase in complaints, most of which pertain to the services curtailed on July 13 in order to meet budget cuts – such as fluorescent tube disposal and the Ivy paint exchange program. He said that he has approved an update to the RWSA website to make the information more current, and at the last RWSA Board meeting they agreed to start tracking the complaints in different categories so that information can be shared with the Board.

Mr. Frederick stated that there has been considerable discussion about the City's position regarding the current services the RWSA offers, and the feedback heard publicly is the likelihood that the City is going to get out of most of what the Solid Waste Authority is now providing. He said that the mediation program is going well, but it is very likely the City will pull out of Ivy in the coming months. Mr. Frederick said that Dr. Brown, the City's representative on the RWSA Board, is expressing continued interest in helping to fund the McIntire Recycling Center but the private conversations he is having with other officials of the City don't necessarily convey that that may be the sentiment of the majority of the City Council. He stated that it's important the County take a leadership role in planning whatever services it wants to continue in the event the City's financial support does not go beyond December. He thinks that

the County basically needs to lead the process, and Rivanna needs to provide the services that the County wants. Mr. Frederick added that if services are going to be cut, data will be needed to understand the impact on people's lives. He said that there is a lot of uncertainty on the part of RWSA staff and how they're going to make a living in the future. Mr. Frederick emphasized that there is a need for continued solid waste services no matter who provides them, and the RWSA has people who can fill those needs.

Mr. Boyd asked how many employees are involved in solid waste.

Mr. Frederick replied that there are 14 employees engaged in solid waste operations, but there are administrative employees who work in solid waste and water and sewer.

Mr. Tucker indicated that staff would be bringing forward an initial recommendation and report on this in October; County staff is taking a lead.

Mr. Frederick said he has provided an update in his written report to the Board on the Community Water Supply. He reported that all of the additional requested studies from the community have been completed, and the RWSA presented two of their own studies to their Board at the end of August – a review of the 2004 Water Demand Study, which confirmed that the methods used in that study were sound to the extent that data was available to the consultant – and the review included updated historical data and interviews with many people to get information regarding conservation and development potential. He said that there has clearly been conservation in the community over the last eight years resulting in approximately 1.4 million gallons per day of demand reduction and there will be more conservation in the future. Mr. Frederick added that there will also be demands from the University as mentioned as well as demands from NGIC. He emphasized that the consultant's conclusion was that no new long-term trend is available from the available data, plus the wisdom and advice from those interviewed. Mr. Frederick stated that the consultant indicated that for planning purposes a target demand of 18.4 million gallons per day in the year 2060 should be used, which can be accomplished by the adopted 2006 Water Supply Plan. He noted that the I-64 embankment is an area where the Reservoir would expand so that the bottom portions would be submerged when the pool level is full, and significant geotechnical and hydraulic investigations have been performed by Volkert. Volkert is a well respected highway engineer and they do a lot of drainage calculations for VDOT and other Transportation Departments across the country. Mr. Frederick stated that all of this information suggests these can be done in a very safe manner that does not affect the motorist or the interstate highway system. He mentioned that the RWSA has asked for a formal concurrence of their technical approach by both VDOT and the Federal Highway Administration. He thinks that VDOT will be making their announcement of their decision fairly soon. That recommendation will then be forwarded to the Federal Highway Administration who has stated they want to do their own independent review. He is not getting as strong a reading on where Federal Highway will stand at this point, he said, but there is absolutely no technical data upon which to base any other decision other than a favorable one.

Ms. Mallek asked if he is confident that whatever features are needed to keep possible spills on the roadway out of the water are addressed in design aspects.

Mr. Frederick responded that the RWSA is ensuring that their emergency preparedness and response is current with respect to the role of other agencies in the event of spills in any location. He added that what have been misleading are claims that expanding the Reservoir creates a spill hazard. He added that that is not true. The spill hazard has been there since the highway was built, but expanding the reservoir may provide new opportunities for spill control. Mr. Frederick said that the consultant suggested that a permanent boom be installed underneath a floating walking bridge to provide a first point of resistance in the event a spill occurred and needed to be contained. He stated that the RWSA has contacted a number of vendors who provide mobile specialized treatment units that can remove compounds that conventional plants don't normally remove, and they have indicated that emergency readiness agreements could be established.

Mr. Snow asked about the recent study addressing the possibility of raising the old dam.

Mr. Frederick replied that the report was released by the City yesterday morning, and the RWSA did not know its contents until then and will continue to study it. He said that his first read of the report, without getting into the technical details, is that it is consistent with the 2006 Water Supply Plan in terms of what needs to be done in terms of expanding Ragged Mountain. Mr. Frederick added that City Council is reviewing it as well and making a decision on whether to raise the Ragged Mountain Reservoir. Their public discussion right now is focused on helping the City make that decision to the extent that they want questions or information from Rivanna. He added that how that is going to be accomplished is the second issue, and it will be addressed by the RWSA's expert panel – as having that expertise is a sound approach.

Mr. Rooker commented that the questions were answered way back and now have been answered again through three studies that indicate that safe-yield capacity is essentially the same. He said that the question is how to achieve that capacity. In his opinion the study of dredging costs simply confirms the Gannett Fleming findings on the cost of a per-million gallon basis. If you look at the costs on a per-million gallon basis, the cost of dredging to create capacity is somewhere between four and six times the cost of the Ragged Mountain Dam to create the same kind of capacity. He added that to lower the dam and dredge, you increase the cost per million exponentially of increasing our capacity. Mr. Rooker said that there are a number of engineering questions and cost questions that need to be analyzed in terms of how to achieve that, but one engineer he has spoken with who has worked on the plan over the years did not speak very favorably about adding significantly to the existing dam in height from an

engineering standpoint; they thought that there were substantial long-term safety issues perhaps that would be taken on by taking that approach.

Mr. Boyd asked if the plan was to go back to a concrete dam and remove the earthen dam.

Mr. Frederick explained that the construction is proposed to be earthen on the two sides and concrete in the middle. It is more concrete and less earth and from a logistical standpoint, you have to deal with both how to find the earth you need for the earthen part and where to find the aggregate for the concrete part – so that could create some challenges.

Ms. Mallek added that the water would need to be taken out as well.

Mr. Frederick noted that Black and Veatch proposed that it could be done without lowering the water, and close examination should be taken to see if that is possible.

Mr. Rooker said that everyone has an interest in building a serviceable, safe facility that will result in the needed capacity at the best cost. If adding to the existing dam proves to be that, he does not think there will be any objection.

---

Agenda Item No. 17. Closed Meeting.

At 12:34 p.m., Mr. Thomas **moved** the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions and an administrative position; under Subsection (7) to consult with legal counsel and staff regarding a specific legal matter requiring legal advice and pending litigation relating to a Board of Zoning Appeals decision; and under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to a pending Zoning application; and under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to an interjurisdictional agreement concerning public utilities.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

---

Agenda Item No. 18. Certify Closed Meeting.

At 2:08 p.m., Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

---

Agenda Item No. 19a. Boards and Commissions: Vacancies/Appointments.

Mr. Snow **moved** to appoint and reappoint the following individuals to vacancies on boards and commissions:

- **APPOINT** Jay Willer to the Fiscal Impact Advisory Committee with said term to expire July 8, 2012.
- **APPOINT** Nancy Gansneder to the Region Ten Community Services Board with said term to expire June 30, 2013.
- **REAPPOINT** James Powell to the Acquisition of Conservation Easements Committee with said term to expire August 1, 2013.
- **REAPPOINT** Dr. Ralph Chester to the Commission on Children and Families with said term to expire June 30, 2013.
- **REAPPOINT** Donald Byers to the Jail Authority as the joint City/County representative with said term to expire July 11, 2013.

Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

---

Agenda Item No. 20. **Work Session:** CPA-2009-02. Crozet Master Plan Update, Elaine Echols.

Ms. Elaine Echols, Principal Planner, said that the process began almost two years ago with preparation for the update. She said that there was a need for good public involvement and the need to ensure that this was an update and not an overhaul of the Plan. Ms. Echols reported that the process actually began in January 2010, and since then there have been nine community meetings – including forums, nine Crozet Community Advisory Council meetings to discuss the Plan, and four Planning Commission meetings leading to the recommendations for this Plan. She presented the 2004 Crozet Land Use Plan, noting that it is different than other County plans as it was the first after the Neighborhood Model was adopted. While some might say it was over-ambitious in trying to achieve that form of development, she said, it introduced the County to the concept of centers – which is intensity radiating away from an intensive-use area rather than totally segregating uses.

Ms. Echols said that the existing Crozet Master Plan is comprised of several maps, text, tables and illustrations – and has some very specific guidelines, which help to guide land development and County investment. To keep everyone on track, she reported, the Board endorsed the focus areas as shown on October 7, 2009 and covered all of the issues in a series of community forums – with staff reporting back to the Board as to how they informed the changes to the Plan. In addition to the changes to the Plan itself, she said, staff also wanted to simplify the format without losing any of the substance and make it similar to the kinds of formats being used for other master plans now. She stated that the map shows the land use plan, the parks and green systems plan, the transportation plan and the description of the land uses. Ms. Echols explained that the CT (Crozet transect) zones were translated into the land uses being used consistently with other master plans.

She reported that in 2005 after Old Trail was approved, there were concerns about population exceeding 12,000 – with the text of the Plan saying that that was the expected population for Crozet, but the map reflected a population capacity of 24,000. This was an issue that was difficult for the Board, for the community, and even the staff. To deal with the concerns through this process, Ms. Echols said, with the community leading the charge, the capacity was lowered by reducing centers, lowering density at the edges and by reducing the residential density in the land use categories. She stated that there was a lot of clarification needed during the process regarding how the densities would be applied.

Ms. Echols reported that the end result was the recommended 2010 plan that was recommended by the Planning Commission, based on County goals and 2004 goals of the Crozet Master Plan. She said that all of the recommendations that the Commission made weren't easy and several areas were heavily debated in the community, by the CCAC and by the Planning Commission. Ms. Echols stated that this was especially true with the mixed-use areas near downtown, the Blue Ridge/Carter Street area, and the area between downtown and Music Today. She noted that the expectations in some of these areas from the existing 2004 master plan was for more intensity of uses, and that was clarified through the use of images as to what the uses might look like for mixed use and commercial. Ms. Echols said that the uses that were expected in the mixed-use category were commercial and residential, but mostly with multi-family units and reuse and conversion of existing building with up to 18 units per acre. The downtown, she noted, was to be the most intensive for development. In making recommendations on the Plan, Ms. Echols pointed out, issues of traffic and noise and the impacts on existing neighborhoods were considered.

Ms. Echols stated that the challenge faced was to help downtown prosper without impacting the residential quality of nearby neighborhoods and without impacting water quality. The 2004 plan pushed for redevelopment of existing neighborhoods near downtown, she said, and this really conflicted with goals for protection of existing neighborhoods. She noted the areas on a map, referencing the areas surrounding downtown as being recommended for a higher intensity mixed use type of area – with the single-family neighborhoods further out being recommended for urban density residential. She added that there was a long-term vision to try and provide support for the downtown area, but she is not sure that all the attention was paid to what that did in terms of pressure on existing neighborhoods, and that needed to be rectified with this plan.

Ms. Echols said that there were at least nine meetings where the mixed-use area north of downtown was discussed – in the community, at the CCAC, and at the Planning Commission. At the Commission and CCAC levels, it was not an easy decision that either group came to – with a greater area for mixed use brought to the table by staff with the initial plan, but the concept of bringing that down was settled on at one of the forums to have it just at the areas north of downtown. Ms. Echols said that there was interest in keeping the designation across the stream buffer as green space and just having the downtown extend as far as it's shown on this plan; ultimately the Commission recommended that the downtown and mixed use not be extended north of the stream buffer, but they did suggest that the Water Protection Ordinance be modified to allow for mitigation with impact to this area. She added that that is very different from what they have done in the past because that stream has already been severely impacted. In order to get some mitigation and get some water protection added to this area, the Water Protection Ordinance could provide for a reduction in the stream buffer.

Ms. Echols pointed out that the recommended land use for downtown looks a little different from the 2004 plan, with the land uses retaining the Plan and goals and recommendations to continue with existing programs to enhance the viability of downtown. She said the downtown area that's designated now is the same area that was zoned Downtown Crozet District and the boundaries for downtown and mixed use now respect existing neighborhoods. Ms. Echols stated that the idea of having an area of mixed use toward Music Today was to try to enhance the business relationship between the downtown area, the Music Today area, and the industrially zoned properties by promoting redevelopment. She said that staff met with the property owners and some of the residents of this area and they expressed a lot of

concerns about the area not being ready for redevelopment. They were not totally opposed to it; the timing is what concerned them. Ms. Echols commented that the area is not shown for mixed use on the land use plan but there is text in the Plan that suggests that when the time is right it could be considered. She added that downtown has been designated as a priority area and there is a strong recommendation to continue with the physical improvements including the library when funding is available.

After the Planning Commission made their recommendation, she reported, Carol Connelly's representative asked to speak with the CCAC on a possible development plan for the Bruce Barnes Lumber Company property. She said that the recommended land use plan shows an area that reflects office, R&D, flex, and light industrial with the idea that the area should be a major employment area. Ms. Echols noted that the concerns raised by the owner were that it might be too restrictive in terms of where those employment uses might be and the CCAC didn't want to lose the strong employment emphasis or the opportunity for those designations in this part of the downtown. The compromise reached, she said, was a mixture of office, R&D, flex, and commercial – which the owner thinks will be helpful in promoting employment downtown by showing that there is an expected commercial use in it. This is not a proposed plan for downtown; it's a concept of what might happen to help turn the Bruce Barnes Lumber Company into something that looks a little bit more like the Downtown Mall in Charlottesville but putting it at a smaller scale in Crozet.

Ms. Echols said that the recommended plan is what the Board is looking at, and she noted that the 2010 plan has more land uses, a similar amount of green space preservation area, more neighborhood density residential, less urban density residential, less mixed use, a similar downtown, and a new category of institutional. She pointed out an area that is recommended for removal from the development area because it is in the Beaver Creek watershed and flows right into a water source. Ms. Echols noted that another focus area was business and industry in Crozet, which was a goal of the 2004 plan – how to increase employment opportunities, promote sustainability, and decrease pressure to widen Route 250. In keeping with the light industrial report recommendations, she said, the Plan matched the land use to the zoning and so the zoned lands for industrial uses are shown as recommended for industrial uses. She indicated that the categories of office, R&D, flex, and light industrial were updated – and that is very similar to what's found in the Places 29 Plan. Ms. Echols pointed out the designated light industrial and heavy industrial areas.

She reported that the third biggest issue the community considered was commercial and industrial development on Route 250. There had been two Comp Plan changes prompting and there was a lot of discussion as to whether or not the goal was still to preserve the rural, scenic character of Route 250 West. There was pretty much universal agreement on that being a goal, and whether or not the proposed commercial and industrial uses on Route 250 were in keeping with the Comprehensive Plan and if they were appropriate for this particular area. The Planning Commission concluded that the goals for Route 250 should be retained – and they added a few more: don't approve any rezoning for new development along the Route 250 West corridor, develop corridor-specific guidelines which came from the 2004 plan, and any uses to be approved along the corridor should have the least impact on the rural areas, environmental resources and transportation.

Ms. Echols stated that in 2008, the Planning Commission reviewed the Yancey Mills Business Park request to extend the development area boundary to I-64 – and the request was to show a designated area as industrial service that would eventually allow for industrial zoning. She said that the Commission reviewed that and said that no further study was needed because the proposed development was in the water supply watershed, inconsistent with growth management policy and rural area policies, no sewer capacity, limited development in the fringe areas and especially along Route 250 West called for by the Comp Plan and Crozet Master Plan, and worries about the potential competition for employment opportunities in the downtown area. The Board of Supervisors asked that the Commission revisit that decision, she said, with the master plan update, and after a fair amount of discussion there were questions about what was being proposed and how it fit with the current economic situation as well as potential changes resulting from the industrial inventory plan recommendations that the Board endorsed. Ms. Echols said that the Planning Commission concluded that there really hadn't been any changes in the goals for 250 West; they reaffirmed that the downtown should be the center for employment activity, and they expressed concerns about the water supply watershed. She noted that the decision was not unanimous and there was an expectation by some Commissioners for study of interchange uses that would be consistent with a rural area location.

Ms. Echols reported that the second CPA for consideration on Route 250 was related to the Celeste Ploumis application, as a request was made for small-scale commercial uses such as a garden center, which was considered in 2007. She indicated that the Planning Commission said there was no support for additional commercial development along Route 250 in the 2004 plan, and said the same thing with the 2010 plan – recommending that the corridor along Crozet Avenue remain as green space.

Other changes to the Plan, Ms. Echols noted, were in transportation, and the proposed roads in Crozet show up on the land use plan as dashed lines. She explained that the Plan was an update of where the roads are that had already been planned, where connections were possible to be made and trying to better lay out the road system with the land. It really set up more realistic expectations for interconnections. Ms. Echols added that the parks and green systems map was also modified, retaining the recommendations of the 2004 plan but removing neighborhood trails that can't be built. She said that the emphasis was placed on the priority of key linkages and destinations in Crozet and continuation to plan for a school site.

Ms. Echols concluded by stating that after public comment, staff asks that the Board advise on any needed changes and then set the public hearing for a recommended date of October 13, 2010.

Mr. Boyd asked if there are any of the landowners in the downtown and development areas stepping up and saying that they are willing to invest in these properties. He added that that is the key because the County can plan all it wants to, but this is going to take private investment. He gets really concerned when they as governing bodies start telling the private sector where they should do what.

Ms. Echols responded that the Bruce Barnes Lumber Company has already helped with getting Main Street established there and he is making his land available, noting that the owner actually wanted it designated for more commercial activity.

Mr. Rooker mentioned that he has met with him and he has an excellent plan for redevelopment there. He said that there is zoned property all over the County that hasn't been built on because the time is not right to do it, but you have to put the building blocks in place in the proper order and the first thing is to have property go into the Plan in a way that makes sense. Mr. Rooker added that this plan is an excellent example of a master plan that was developed that the community has lived with for five years, and they have had time to digest it as well as hold numerous meetings – including receiving substantial input from property owners. He added that all that is done in a master plan is to create possibilities; no one's use is changed. The existing zoning remains and nothing is forced on people.

Mr. Boyd commented that he has heard many times that there's not the right piece of property at the right place in order for somebody to invest in it, and while there may be a lot of approved light industrial areas nobody wants to do anything with those. He is looking for someone who is actually willing to step up and do something.

Mr. Rooker said that there is building going on in various parts of the County, citing Old Trail as an example of a development that is building out according to the plan. Without a plan to start with, you never know how the puzzle's supposed to look when it's put together.

Mr. Boyd stated that the Yancey Mills property owner has been asking to develop his property for three or four years now.

Mr. Rooker said that the owner wants to change the zoning of his land, but there is no indication that he is investing in his property for a specific purpose. He noted that the Bruce Barnes property is in the growth area, has drainage, and has water and sewer. There's a world of difference between somebody in the growth area that has property that is designated industrial that the community has looked at and agrees with a plan that they've put forward about how they can use that property in a higher and better way for their own commercial uses and to tie in with what the community wants. Mr. Rooker added that that same discussion has taken place with the Yancey property, but the community has said that the proposal doesn't fit in.

Mr. Thomas commented that there wasn't a fair review of Mr. Yancey's plan for his property.

Ms. Mallek said she thinks there was a thorough review of that property. The focus of the master plan in Crozet is to start in the center and work out, with the goal being similar to what's happening in other parts of the counties – centralizing utilizes and having development unfold in an organized way. She stated that it is appropriate to look at the outer places in five to ten years, but to look at the fringe places now makes it harder for the properties in the core.

Mr. Boyd commented that they in the government are picking winners and losers, basically.

Mr. Rooker said that is not true. He added that the land use for Yancey is in the rural area, it's in the watershed, but it is not served by water and sewer. That has never been designated by the County as an area for growth for those reasons. He said that the Crozet Advisory Committee has discussed this at numerous meetings and they have registered their opinion at several levels, including at the Planning Commission. They just don't agree that it ought to be included in the growth area.

Mr. Snow commented that on Crozet Avenue as you make a right at the Dairy Queen there are three houses on the left before Wayland Circle, on the north side of the street, and those homeowners have approached him about having their property included in the growth area.

Ms. Echols clarified that all those property owners have not approached the County and staff found it difficult to support just one side of the street being designated, and there was opposition from nearby neighbors. She said that there was a lot of discussion on this because there was support for both conclusions. She said that she thinks if there had been unanimity in this area among the property owners wanting to see the change, it might have been recommended that way, but she knows that that was a concern that many people had, that there were people in this area who felt like it was not the right thing to do.

Ms. Mallek noted that there is a big difference between three to six units in a residential area, and 18 per acre. The folks on the east side of Crozet Avenue did not want to be included.

Mr. Thomas commented that he understood one neighbor on the corner didn't care, but the neighbor next door did not want it.

Mr. Dorrier asked what the general population density planned for buildout.

Mr. Rooker responded that there is a difference between capacity and ultimate population, but the ultimate capacity this would allow is 17,000 – reduced from 24,000. He thinks they have to recognize that in most cases, things do not develop out to capacity.

Mr. Dorrier said that Scottsville has experienced some economic setbacks, and one of the issues has been ultimate population totals. He understands that communities with less than 2,000 people would not provide the support for existing businesses needed to keep the businesses going. He added that there is a turnover of restaurants and businesses, and the town itself has 550 people.

Ms. Mallek noted that there is a good critical mass in Crozet now of over 5,000 people, and between 2004 and 2008 there were 4,000 dwelling units approved in the growth area – and 1,000 have been built thus far. There is already a lot of capacity in the area.

Mr. Rooker stated that there was general broad support for the plan, but as always there were individual concerns about specific properties.

Ms. Mallek commented that citizens in the groups said they felt awkward saying to their neighbor that they were going to vote in favor of putting a business right next door when it has been a residential neighborhood for generations. If these things happen organically over time and it proves that there is a demand for it, the community will develop in that way. She added that there are lots of inquiries as to when things are going to boom in Crozet.

Mr. Thomas said that it's not all going to build out today, and it may never all build out, but this plan is much better than the 2004 plan.

Mr. Rooker noted that the land use plan – before it was master planned – allowed for more than 24,000 in population through original land use designations.

At this time the Chair invited public comments.

Mr. Daniel Bowman, a resident of 3170 Beaumont Farm Road, urged the Board to deny the Comprehensive Plan Amendment request for the Yancey property. He commented that the Comprehensive Plan and zoning decisions must be treated as contracts between the County and the residents of the County. He said that these contracts should only be modified in the context of a full-scale review and only if there would be demonstrable benefits to citizens. Mr. Bowman stated that any new development within the boundaries of the South Fork Reservoir watershed should be resisted strongly, until much stronger sediment control and reservoir maintenance measures are in place and proven effective.

Ms. Celeste Ploumis said that she lives at the corner of Route 240 and Route 250 – where a 30,000 square foot office building is planned, increasing traffic to an expected 20,000 vehicle trips per day, 12 yards from her house at the intersection. She stated that the quality of life she came here for has been stripped from her home. The County Code protects against unwanted and unreasonable sound, as it presents a danger to public health and safety. Ms. Ploumis said that she has been measuring sound levels in her home, and has measured up to 110 decibels daily – with paving trucks and other vehicles often exceeding 100 decibels. Any day or any night there is not a ten minute stretch of quiet. It is hard to sleep with all that noise. She commented that her property is no longer useable as a residence, and she is hoping to lease it out for use as a small garden center.

Mr. Tom Murray, from Richmond, said that he is in favor of the Ploumis planned amendment change. Mr. Murray said that Route 250 is designated as a scenic byway, and it seems that the Crozet Community Advisory Council and other residents would like to use land use controls to enforce a scenic byway. He stated that Ms. Ploumis has tenants and is creating jobs, and she is in the growth area – not in a watershed.

Mr. Rooker said that if the property is zoned RA, Ms. Ploumis could seek a rezoning of the property in keeping with the designation.

Ms. Echols clarified that the property is zoned R-1.

Mr. David Benish, Chief of Planning, added that the plan doesn't call for it to be intensified in development. It is seen as an open space area.

Mr. Peter Loach, with the Piedmont Housing Alliance, said that PHA has focused on affordable housing in the County for more than 25 years. PHA is concerned that the planning process associated with the Crozet Master Plan has not paid a lot of attention to its impact on affordable housing. Mr. Loach said that the PHA has reviewed the document and has attended Planning Commission meetings, but has not seen a significant analysis of how Crozet residents and the workforce will be affected by the plan with respect to their ability to stay in Crozet or buy an affordable home there. They applaud the hard work that so many people have put into this plan and they support the community effort. He stated that the PHA is aware that many Crozet workers can't afford to live in Crozet. The demand for affordable housing in Crozet is alive and well. The PHA just leased up 38 units at the Meadows three months ahead of schedule. Mr. Loach noted that years ago the County established a Housing Committee to help provide recommendations and analysis on housing policy, and it appears that this Committee was not involved in the review of the Master Plan. He stated that there are creative ways to incentivize density and affordability without increasing the overall population – smaller housing units on smaller lots, cluster

development, etc. Mr. Loach asked how the community and PHA can help push workforce housing in Crozet in the future.

Ms. Mallek asked if high density per acre would contribute to the ability to have smaller accommodations.

Mr. Loach responded that higher density is the key, and in land that the PHA owns the density bonus for affordable housing really no longer works. He explained that the density bonus is a special use, so that puts a developer to fall under the master plan designation – which might be for fewer units. Getting a density bonus forces you to actually build fewer houses than you would have by right. He does not think those type situations have been looked at fully.

Ms. Mallek asked if this would impact the West Village project.

Mr. Loach replied that the PHA could never do a housing density bonus there, but they are going to try to build at least one-third affordable units there. In terms of the housing density bonus, if you do 15% affordable, you get a 50% bump in your density. They will not be doing that because they would then fall under the limit of the new and existing designation for the Master Plan that is for fewer units than by-right. It is very confusing and took them quite some time to learn that it is true. Mr. Loach added that it's not changing the zoning, it's changing the potential density under either an affordable housing density bonus or greenspace density bonus.

Ms. Echols said that staff has had extensive conversation on this item, and Mr. Loach is correct in that the existing Master Plan and the proposed Master Plan show a density that would preclude the density bonus from being available for the West Village project. She clarified that in order to get a density bonus, the proposed density must be in keeping with what the Comp Plan recommends for that area. Ms. Echols added that what would be asked for would be an indication the Comp Plan that there be greater density shown on the master plan for the area so they could be eligible for the density bonus. If that were something that the Board wanted to do in this particular case, that would be the way to accomplish it without changing the zoning.

Mr. Rooker asked if the PHA's intent is to build out beyond the density that's permitted in this master plan.

Mr. Loach responded "no"; their intent here is to show that the affordable housing density bonus no longer works in this situation and in many other places under this plan. He added that the question now is where the analysis been on how this affects density, with the idea being a more compact form of development with larger greenspace – and ultimately having smaller lots with smaller units that are more affordable for the Crozet workforce. Right now what the trend seems to be is that there will be lots of big lots with big houses because you're not allowing that kind of cluster as much as you could.

Mr. Rooker commented that he doesn't see a lot of big houses on big lots; he sees a mixture of everything from 36 units an acre to one per acre.

Mr. Loach noted that the PHA property is just a few blocks from downtown, and the density is much less than 36 – with an R-6 designation. Obviously if you can build more houses on the same amount of space then they are going to be cheaper and more affordable.

Mr. Rooker commented that that would argue for a higher permitted density everywhere in Crozet.

Mr. Loach added that that is the reason it should be strategically reviewed whereby it would be balanced out.

Mr. Snow said that if the trend continues as it is now, they'll be giving them away in five years.

Mr. Will Yancey then addressed the Board, presenting slides on the Yancey family's proposal to add an area into an industrial park, with the other proposal currently in the Master Plan having another area designated for industrial uses. He said that the bridge in Crozet with the 11'6" clearance precludes direct access to that, so cars would have to come down Route 250 from I-64 under the Mechums River Bridge, then make a left-hand turn to go up Route 240 – where they would have to pass at least six subdivisions before they could get to the construction area. Mr. Yancey stated that with his property, the trucks would get off at the intersection and go about 1,200 feet. He added that within a mile and a half of the proposed industrial park there is Blue Ridge Builders Supply, Watkins Landscape Service, several strip malls, a Harris Teeter, a bank, several gas stations, an auto body shop, an equipment storage yard, the Moose Lodge, etc. – all within the view of Route 250. Mr. Yancey said that he wants to put the industrial park behind the sawmill, where it would be invisible from Route 250 and would abut a four-lane divided portion of Route 250. He emphasized that Western Albemarle High School shares about 1,100 feet of property line, adding that he has spoken with the School administration and Athletic Department about a possible land donation.

Ms. Meg Holden, a resident along Route 250 and member of the CCAC, said that while she understands the need for more jobs and businesses in the Crozet area it concerns her to think of even more traffic to be added to Route 250. She urged the Board to make sure that development is done not out of greed but out of a sense of community. Ms. Holden stated that she feels the plan is wonderful, adding that the CCAC has labored many hours in discussing points and seeking feedback. To encourage growth in the downtown area would be a great thing for the entire community to watch. She does not want Route 250 to be like Route 29. The Board needs to recognize what it has been told by the community.

Ms. Jo Higgins said that she wants to address the change proposed in the Crozet Master Plan that involves the keeping of the Route 240 LLC where the mini-storage is, and she is part owner. Ms. Higgins said that the adopted Plan envisioned that as a future area to be mixed-use, and Mr. Yancey has pointed out the reasons it is not really useable as industrial land. If there could be an industrial user there, there would be. She stated that the tractor-trailer traffic has been choked off because of the low bridge. Ms. Higgins noted that when the mini-storage was developed, a basin was put in there to accommodate that property and they have an agreement with Route 240 LLC to use that same basin. These plans have been in motion, so to say 'let's keep it Light Industrial in the Comp Plan' would actually be adverse to the plans that were already in place – and that is an implemented plan. She also said that the restricted access limits its use as Light Industrial, adding that all land drains to the drinking water reservoir – the only difference with the Yancey property is it drains to Lickinghole Basin. Ms. Higgins emphasized that the County built that basin through a \$350,000 grant and supplemented it with other funding, adding that she was the County Engineer at the time. She stated that land outside the boundary of the basin could be better protected with its own water quality basin, and that would also allow for incorporation of the grandfathered uses that are affecting water quality.

Mr. Mike Marshall, Chairman of the Crozet Community Advisory Council, said that the recommendations before the Board are the best the Council could come up with. Mr. Marshall emphasized that the CCAC is confident with the plan, and discussions could be reopened with the Board but the reason those are coming before the Board again is because they didn't persuade the CCAC. He stated that the Advisory Council is comprised of 15 people appointed by the Board to represent a broad section of opinion, and they really care about the future of their town. Mr. Marshall explained that the group developed a questionnaire and surveyed the town, at which time there were 5,000 residents in the growth area and 700 responded. He said that the questionnaire asked a lot of demographic information, and 1,735 or 35% were represented in the survey. Mr. Marshall stated that what came out of the survey is that people don't want the growth area changed, they don't want the population number they had heard to be the actual build-out figure, and they wanted a pyramidal concept so that the greatest entity was downtown with reduced densities outward to the boundary of the growth area. He also stated that people did not want established neighborhoods to be disrupted, and the CCAC went into the Plan revision process feeling confident that they knew what the town thought and what the town wanted. Mr. Marshall added that the Council has done their very best to achieve those objectives as much as possible. This isn't a handful of people who have a particular agenda. They are doing their best to represent everybody and get the vision of Crozet in zoning that Crozet people want.

In terms of Mr. Yancey's request, there was a full forum held devoted to light industrial issues, with about 200 attendees including Mr. Yancey. Mr. Marshall said that the fact is that the people don't want it. They think it's actually a danger; and it puts the plan in jeopardy. It's not that they don't hear him out – it's that they do not agree. He asked that the Board support the proposed Plan.

Ms. Lucy Goecke said she is a member of the CCAC and also lives on Route 250, at Yancey Mills. There is more along the stretch Mr. Yancey showed than just those businesses. The traffic is horrendous already, and if you start to turn over properties to commercial or LI, that will exacerbate the problem. Mr. Yancey is speaking about a million square feet of LI – that's a huge Target distribution center. That's an enormous place of traffic and trucks, and it's not going to just stay on I-64 and 2,400 feet or whatever the distance is to his property. It will affect all of 250. It will affect the school traffic and it will affect the schools. She added that once a transitional renter leaves Ms. Ploumis' property, it's open for other types of commercial use. It will increase the traffic. She asked the Board to leave what is not an eyesore on Route 250 alone and keep it zoned Rural Agriculture and R-1.

Mr. Sandy Wilcox, owner of property on Crozet Avenue in downtown Crozet, said that supporting the downtown area is the whole success of the Master Plan and undermining that undermines the fabric of the community, the identity of community, the place. Mr. Wilcox said that it makes a big difference in how a community behaves, and how it feels. He stated that he has been trying to develop his property in downtown Crozet for quite some time, but found that the Development Code made it impossible. His property is a 50-foot lot with 20-foot side setbacks required on both sides, along with a mandatory driveway. Mr. Wilcox said that he and others worked with the County to get that resolved, and the next hurdle is getting the finance community to have incentives to invest downtown. He noted that the cost of construction in Crozet is the same as it costs in the urban ring of Charlottesville, with the market being much smaller. Mr. Wilcox emphasized that even though construction costs are the same as what they would be in Charlottesville, the market is much smaller – which means the rent is less and revenue generation from property is smaller. Everything that is approved on Route 250 undermines something downtown. The financing terms for these small lots downtown are balloon, readjustment of rates on three to five years. Currently he could do this but in three years it will adjust to the point where he would be bankrupt which he could not do. A successful plan makes downtown Crozet the primary center.

Mr. Morgan Butler, of the Southern Environmental Law Center, said that staff and the Planning Commission have now had two separate opportunities to review the Yancey proposal, which have resulted in recommendations of denial from both bodies. Mr. Butler summarized that the reason for denial is that the proposed uses are simply too intense – with a huge business park of 1.1 to 1.8 million square feet planned in an area that has tremendous ecological value, historical value, cultural value. He acknowledged that it is going to be difficult for trucks to access downtown, but staff is exploring an interstate-interchange concept of allowing in RA more intense industrial-type uses that are related to agricultural and forestal uses that could take that type of traffic. The SELC agrees with the Commission and staff that the proposed Yancey business park is too intense for this area.

Mr. Bill Schrader, a member of CCAC, said that if the Yancey plan is "the winner," then the losers are the Master Plan, the Route 250 entrance corridor, and the citizens of Crozet who spent hours working

on this proposal. He commented that it seems as though only one quadrant of the entrance and exit corridor on I-64 is considered, but the Board needs to take into consideration all 28 interstate quadrants – not just one in Crozet.

Mr. Tim Tolson, a member of CCAC and the Jefferson-Madison Regional Library Board of Trustees, reiterated that the community and Council have invested a tremendous amount of time on the Master Plan. He said that the survey was professionally done and turned out much, much better than what they thought possible. He noted that he has a Ph.D. in quantitative methods and asked the Board not to ignore the 700 comments – the majority of which were in line with all of the recommendations that are in this Master Plan. The CCAC made these recommendations on what was best for the citizens of Crozet; these decisions were not made lightly. Mr. Tolson stated that one of the greatest economic engine developments the Board could approve and move forward is the library, mentioning that Chesapeake built a library in the middle of a field and in four years had 10 acres of development surrounding that library. Building the library will bring economic development to downtown.

Ms. Mary Gallo said she has one child at Brownsville and one at Western and she recently joined the CCAC. Ms. Gallo stated that she thinks the Barnes Lumber Yard plan is tremendously exciting and just has such great potential. She urged the Board to keep the boundaries of the development area firm. With regard to the Yancey proposal, she has spoken with people in Crozet and parents of students in the western area schools and there is a lot of concern that goes beyond Crozet. Ms. Gallo also said that citizens expect consistency from growth area to growth area and region to region. She mentioned that the Board denied the SOCA permit just a couple of years ago because it was in a rural area and the Board listened to the neighbors. The Crozet residents would like to see those same standards considered when the Board is looking at this area too.

There being no further public comment, the Board began their discussion.

Mr. Thomas asked what the difference is between Crozet being in the watershed and Yancey Mill being in the watershed.

Ms. Mallek responded that the infrastructure has already been built to capture sediment and runoff from downtown to go into the Lickinghole Basin, and Three Notch goes into Beaver Creek without any kind of capture – which is why the boundary is drawn the way it is.

Mr. Rooker said that the project was opposed pretty much unanimously by many different groups, and the watershed is just one reason out of many for that.

Mr. Thomas commented that he thinks the Crozet Master Plan is much improved. He served on the Commission in 2004 when it was first approved and it is better.

Mr. Boyd stated that this is a great plan and he appreciates all the time that has been put into it, but he just doesn't understand why there's no place in that for Yancey Mills. He views that as being a Countywide issue. He has seen the plans which include office and mixed uses; it is a much different planned use than that for Barnes Lumber. He appreciates all the hard work gone into the Master Plan. He added that market forces should determine who the "winners and losers" are, and the government should not determine that.

Ms. Mallek responded that the citizens have a stake too, and that is who the Board is supposed to represent.

Mr. Rooker expressed confusion over Mr. Boyd's comment. He asked Mr. Boyd if he thinks there is a place for zoning, or does he think that anybody who has 500 acres should be able to say 'well I want to put an industry over here, regardless of what the plans in the community are for the use of property. Mr. Rooker added that the property was zoned RA when the Comp Plan was developed.

Mr. Boyd said that he would like for it to be brought forward and revisited.

Mr. Rooker stated that this went through the master plan process, and the recommendations are clearly that the use of this property not be changed. That doesn't preclude the owners from trying another route.

Mr. Snow said that he likes the way this plan is drawn over the ones they have seen previously and he fully supports it.

Mr. Dorrier agreed, adding that people have put their voices behind a proposed plan that is going to be a great plan for the neighborhood. He said that he agrees with the comment about getting a library in downtown. He will support the Plan.

Ms. Mallek commented that there was interest and engagement at all levels of the process, and it has been a great example of how the County can do something right. She is grateful to everyone's help – staff and the citizens of Crozet.

Mr. Benish mentioned that staff needs direction as to what would be advertised, as the proposed Master Plan does not reflect a change to expand the growth area.

Ms. Mallek and Mr. Boyd said that it should probably be handled separately. Ms. Mallek added that she would prefer to have the Master Plan advertised as recommended. If the expansion comes forward that would be advertised secondly. Board members concurred.

Mr. Davis noted that what was advertised for the Planning Commission included the potential boundary line adjustment for the Yancey property, and the Commission recommended against that – so the plan before the Board does not include it. He said that the Board needs to determine which version is advertised for public hearing.

Mr. Boyd said that he has no desire to include the Yancey property as part of the master planning process, and it should be handled separately. Board members concurred.

Ms. Echols suggested that the public hearing could go forth on October 13. Board members concurred with that date.

---

**Note:** At 3:47 p.m., the Board took a brief recess, then reconvened at 3:59 p.m.

---

Mr. Benish mentioned that there was a CCAC recommendation in the Master Plan that was supported by the Planning Commission for the Barnes Lumber site. He asked for confirmation from the Board that the official recommendation on that site is for downtown office/flex.

Board members confirmed that this was concurrent with their understanding.

---

Agenda Item No. 21. **Work Session:** Places29, Expansion areas and transportation improvements,

Mr. Benish reported that there have been a number of work sessions and open houses for Places29, along with one public hearing. Based on the comments from those work sessions with the Planning Commission and comments from the public, he said, staff has provided information that was in response to the issues identified. Mr. Benish said that the Board had requested that staff come back with information on improvements to the priorities that have been established for transportation improvements. There had been concern that the established priorities were pretty far-reaching and given the limited funding sources there needed to be a greater focus on what was achievable over the next five years. He stated that staff went back and put the focus on implementation of the transportation strategies, with information on funding sources presented to the Board in their packets. Mr. Benish also said that an issue important to the Planning Commission was to address public concerns regarding interchange, inner grade separations that were recommended as part of the transportation improvements. He noted that staff went back and tried to look at adjustments that would address those concerns. The Board also wanted more background on the expansion areas and staff has provided that along with pros and cons for those.

Mr. Benish stated that staff has tried to clarify in the Master Plan that there is no specific design assumed or established for the grade separations. A lot of the concerns were the potential impacts to the adjacent property owners during construction and with the ultimate design there had been some concern expressed about the lack of access to roads, and how the resulting grades might relate to development adjacent to the interchanges. At this point in time there is no specific plan for design for those interchanges, and therefore that's an opportunity in the future under the small area planning process to work with adjacent property owners and VDOT to work through those designs and address those issues. He added that the other issues were that the timing for the work to be done with the small area plan, and when that work is done there would be a committed focus with the adjacent property owners to work on that master planning process at the appropriate time. Mr. Benish said that staff wanted to clarify that for the Hydraulic Road grade separation, that improvement is not anticipated within the next 20 years of the plan but is consistent with the UNJAM Regional Transportation Plan.

He mentioned that staff also established principles in the plan that would guide the evaluation process for future improvements, particularly as it relates to the Rio Road interchange. Mr. Benish said that the principles would be used to guide the small area planning process that would set the expectations for improvements in those areas. He stated that there are eight principles and they focus on establishing that providing an adequate level of service is important to the improvements, particularly at the Rio Road interchange; that the improvements to the road network be phased in a manner that prolongs the life of the existing at-grade intersections; that a variety of concepts and forms of intersections and grade-separation improvements would be considered that could address some of the concerns of adjacent property owners; and that the design will try to achieve a concept that will maintain an at-grade access to the roads as much as possible. Mr. Benish added that staff has acknowledged the need to develop a business plan for the interchange and intersection improvements, and would work with the adjacent property owners to establish a plan that might help them manage their businesses better during construction.

He reported that the other information the Board had requested was establishing more realistic priorities for the top priority transportation projects – and the Master Plan identifies those. Mr. Benish stated that, based on available funding, staff has made some adjustments as to how those priorities are worded, with the focus on design of US 29 widening as the highest priority, engineering and design of the bridge at Berkmar Bridge being second, enhancement of transit service being third, and the last priority being the small area plan and improvements for the Rio Road intersection. He added that the Route 29 widening from the River to the Hollymead Town Center is the highest priority project, with a focus on getting the design done and working toward funding opportunities; VDOT is currently pursuing funding for design and hopefully construction in the future. Mr. Benish said that the second priority would be to undertake a bridge location study for Berkmar Drive Extended, and pursue funding and grant opportunities for that design work – which is a necessary first step in determining the cost of the bridge. He added that

the next priority would be to fund improvements to transit, but for the next five years those improvements should be focused on improving and maintaining the quality of the existing service – with shorter headways and additional night service, but not the extensive enhancements called for in the Master Plan. Mr. Benish said that sidewalk improvements that support transit should also be considered. He reported that the last priority would be the small area planning for the Rio Road/Route 29 improvements, and while it's considered a very important project, given the limited funding available, the intent is to focus on completing the Route 29 North widening and Berkmar Bridge design first.

Mr. Boyd asked if the planned improvements to Route 29 and Rio Road were at-grade improvements.

Mr. Benish replied that under the concept for stepping through the improvements on Rio Road and Route 29, staff is recognizing that the studies do ultimately indicate that grade separation would be needed – but the intent is to focus first on prolonging the life of the at-grade conditions as long as possible.

Mr. Rooker commented that with Hydraulic Road there are plans for how that intersection will be improved, a plan for parallel roads and an additional entry – which will extend its life without requiring grade separation in order for traffic to flow. Long term, way out, at some point, in order to maintain east-west flow of traffic you're going to have to have one or more overpasses somewhere, somehow, sometime. And, also to get pedestrians and bicycles across Route 29 there is really no other way to do it than to have an overpass someplace or it could be an underpass.

Mr. Boyd said he wonders if that involves some of the current parallel road lines which run through existing properties around the Rio Road intersection.

Mr. Rooker said he thinks those can be taken off the map because that was a concept and he does not view that as being imbedded in the plan. What is being talked about is having a real study done of that intersection to determine the best way to approach extending the life of the intersection as it is now, with the idea that at some point in the future it will have to be a grade separated interchange.

Mr. Snow said that the plan should be amended to reflect the items that can be done in the next four or five years, with the long-term items removed from this plan.

Mr. Dorrier said he agrees.

Ms. Mallek commented that it is helpful to have some long-range vision for the community so that investors will know where the best place to make their investments will be.

Mr. Thomas agreed that the lines on the map should be removed, as it seems to imply that individual properties might be impacted by future plans.

Mr. Rooker responded that those lines should be replaced by a study with those property owners to determine how that intersection can be enhanced for the long term.

Mr. Dorrier said that he has a difficult time with the concept of grade-separated interchanges, and he cannot envision what the highway would look like with those interchanges.

Ms. Mallek replied that she recalls how Rio Road looked before the millions of tons of dirt were brought in to build it up, and if Route 29 could go down to the grade closer to where it is by the Goodwill, and Rio Road stays at grade where it is now there wouldn't need to be a bridge. She emphasized that she isn't an engineer though.

Mr. Rooker commented that the Board can't engineer it, but this plan contemplates doing a study over the next five years to look at that intersection in a more intense way and determine how its' life might be extended.

Mr. Snow said that given the limited funding he would rather take the money and put it into things that can be done immediately, and once those are accomplished move ahead with other projects.

Mr. Dorrier stated that he thought there had been several studies on this already.

Ms. Mallek responded, "not designing."

Mr. Benish said that the modifications to the plan as recommended by staff leave the vision for long-term improvements in keeping with the transportation model, and the first priority is Route 29 widening, with the second being the Berkmar Bridge, the third being investment in transit – and the last priority being the study.

Ms. Mallek commented that the Meadow Creek Parkway will impact the traffic pattern and more people will be coming from town and from the east to that intersection. That is why they will need to be doing some groundwork, so that a few years after that they can make some improvements.

Mr. Boyd noted that the BestBuy ramp and Hillsdale Drive extended are important to these pieces falling into place, and are City projects.

Mr. Benish said that the first priorities are the City projects – Hillsdale Drive and the additional lanes on Emmet Street (Route 29) from Hydraulic Road to the Route 250 Bypass, and there is County proffer money going towards it – as well as County man hours.

Mr. Boyd asked if the other roads were going to be removed from this plan.

Mr. Benish responded that schematics usually show potential connections and general concepts, and could be taken out.

Mr. Dorrier stated that those schematics can hinder businesses by tying up what they might be able to do with their property in the future. He asked when staff is recommending that the Berkmar Bridge be built.

Mr. Benish replied that the priority for implementation would have it as the second project, because all efforts would go to the Route 29 widening, but if there were enough money for two projects it would make the widening of US 29 easier to have the bridge by providing for detours. He added that staff hopes the State will take some ownership and priority to improvements on US 29 and perhaps find more funds to devote to that. Maybe staff can move two projects forward.

Mr. Dorrier suggested that matching grants might be used for these projects.

Mr. Benish said that the County is not sure what might be available, but US 29 would be a good candidate for revenue sharing – providing that type of funding is still available.

Mr. Benish said he has the amendments if the Board wants to go through them page by page. If the Board is generally comfortable with staff's direction, they will go ahead and make the changes that have been provided. He added that staff made an amendment to Chapter 8, Attachment VI, and provided Board members with a copy (copy on file in Clerk's office).

Mr. Boyd asked if he is hearing that all the maps that will go forward to public hearing will have removed everything except Berkmar Drive Extended, at-grade look Rio Road and Route 29, and Hillsdale Drive.

Mr. Rooker said they are talking about taking out the "jug handles" and everything that is purely theoretical that went through people's properties.

Mr. Boyd said it also includes taking out the grade-separated interchanges.

Mr. Rooker said he hopes staff would look at the concepts when they do the small area study for how a grade separation might be done.

Mr. Dorrier asked how you would define a grade separation.

Mr. Rooker indicated areas on Route 250 at Dairy Road, at Park Street, at Locust Avenue, etc. It is where one road goes over another road. The places where they have been in the plans for 25 years are at Hydraulic and Rio Roads – and VDoT has said consistently that at some point in this community a grade-separated interchange would be needed somewhere on one of the east-west roads on Route 29; it is not just the north-south traffic. He added that the County knows that it does not have the money in the plan anytime in the near future to do the interchanges.

Mr. Dorrier said that businesses are concerned that these types of long-term plans will tie up their properties.

Mr. Rooker explained that the theoretical lines would be removed if they are not part of a concrete plan for connectors.

Mr. Benish pointed out that in Hollymead, several roads are conceptualized within a plan but are not built – they are either designed or called for as part of rezoning that requires certain connections. He stated that with the Piney Mountain development area where NGIC and the military base are located, there is a road built to that point – but there has been a long-standing concept in the Comp Plan that the roadway would be a through road and have the second connection to US 29. Mr. Benish commented that there are also roads in the Rio Road corridor that are seen as "secondary connections" such as private roads like the one connecting the Rio Hill shopping center to the auto dealership. They were not intended to necessarily be part of the public road system, but they are very conceptual and very schematic and those were the ones staff was definitely going to take out. He added that what would result is just the spine road, and there may be one or two that are helpful as far as planning.

Ms. Mallek said that it must be shown that there is connectivity.

Mr. Rooker emphasized that having a road plan doesn't prohibit someone from rezoning their property.

Mr. Benish added that it's helpful to have some idea of where points will connect, but the interconnectivity is just part of the planning process now.

Mr. Rooker said that there should be caution exercised in putting things on a map that might devalue property, such as road placement. The plan should be if the property is ever redeveloped that it might be a good idea to have connectivity which is an entirely different concept.

Mr. Benish said that there is a lot of misperception out there, perhaps because of the weight of the lines used to show roads.

Mr. Boyd commented that the misperception is also to the lender, not just the buyer.  
Mr. Dorrier suggested using an overlay.

Mr. Benish said that the connection to Berkmar Drive Extended was intended to move traffic from Rio Mills Road to Berkmar Drive when Berkmar Drive is constructed. He stated that it is seen as a fairly important link, and there may be a few roads like this that have a larger community purpose.

Mr. Snow asked about the expectation for Cedar Hill Road; where is the road expected to go after crossing Albemarle Place.

Mr. Benish said the concept for Cedar Hill Road starts through Albemarle Place and Albemarle Place will build an equivalent to that roadway where it touches the old Comdial location. He pointed out on the map the concept for the parallel road Cedar Hill Road. Ideally it might be nice to have a parallel road on the west side similar to Hillsdale Drive but in reality it will be next to impossible to do. Staff was emphasizing inner parcel connections that would allow as development takes place an opportunity for properties to link from block to block. It could be through a parking lot or public road.

Mr. Rooker pointed out that what is envisioned is that roads would be put in once properties are redeveloped, at the expense of the developer – such as with Albemarle Place.

Mr. Snow said that brings them back to putting lines on a page that would affect property values and resale values.

Mr. Rooker noted that the first part of Albemarle Place Drive (not Cedar Hill Road) is entirely across commercial properties, and they want the traffic. Mr. Rooker added that the idea is that it helps disperse traffic that would otherwise be on Route 29.

Mr. Benish indicated on the map the road line that would be removed and the concepts based on the Board's discussion. He stated that they would still have lines showing that there would be intersection improvements, but the lines would not show grade separation; it is identifying improvements in the corridor. In the text where staff referenced those improvements, they are called the US 29/Rio Road intersection and grade separation improvements.

Mr. Boyd stated that he still thinks only roads that have been proffered or already planned should be included, and all others should be left off.

Mr. Rooker commented that that road has been in the 20 year road plan for as long as he can remember.

Mr. Boyd asked if the owner of the Comdial property objected to Albemarle Place Drive coming across his parcel.

Mr. Rooker said that he hadn't expressed any objection that he was aware of.

Mr. Thomas stated that way back that owner had objected.

Mr. Rooker indicated that there have been a number of meetings with the Albemarle Place developers to talk about where the connections would be made, and they have worked out a sewer agreement and several other issues. Again, he has not heard the owner of Comdial express any objections.

Mr. Boyd said he has no problem with a line placed on a map going through someone's property if they have no objection to it.

Mr. Benish then shifted the discussion onto expansion areas. He reported that staff has looked at expansion in South Hollymead (Area 2) and in Piney Mountain (Area 1) – with a 140-acre expansion in Area 2 and a 50-acre expansion in Area 1. Mr. Benish then went over the pros of the proposed Hollymead expansion area which are: 1) encouraging more intensive development might result in proffers for road improvements and/or actual construction of recommended improvements; 2) adding land to the Development Areas may provide more choices for development of various land uses adjacent to the current Development Area, including a location for a large-format retail "big box" store that requires a larger land area than most. While there are currently some locations available for these stores, there are fewer of these sites than for most other types of retail; and 3) based on the analysis undertaken by the MPO earlier this year on the Berkmar Drive improvements, the Hollymead expansion "does not have a significant impact on the regional traffic and will not result in a significant decrease in traffic operation on either Berkmar Drive or US 29 in the immediate area."

Mr. Rooker emphasized that the study presumes that grade-separated interchanges would be built.

Mr. Benish acknowledged that it does incorporate improvements over the next 20 years, adding that the expansion could bring in development before there are improvements to support it. Mr. Benish then indicated the following cons for the proposed Hollymead expansion area: 1) there is no immediate need for additional residential-, retail-, or office-designated land for at least the next ten years, even with the loss of Biscuit Run, according to consultant and staff analyses; recently approved development projects and by-right projects can provide all the needed residential units and/or retail and office square footage for at least the first half of the Places29 implementation period; 2) prematurely expanding the DA when the space is not needed may encourage more sprawling, "greenfield development" rather than the development/redevelopment of areas already served by facilities and services, and supportive of transit, pedestrian, and bicycle access while reducing the overall dependence on vehicle travel; and 3) There is no guarantee that expansion would result in all the needed road improvements to support the additional growth.

The pros for expansion of Piney Mountain areas are: 1) adding this area would bring property that might be developed by agencies of the US government into the Development Area - about 20 acres of the 50-acre expansion; 2) designating the land in the proposed Expansion Area according to the wishes of the DIA/NGIC would support continued government industry and jobs in this area/accurately reflect current base area; 3) NGIC/DIA has requested that the remaining portion of the base site be included in the Development Areas. This would be more consistent with current standards and policies for providing needed public services/facilities for this facility; and 4) the additional land uses (residential, support commercial) might help serve demand generated by the expansion of the DIA/NGIC facility.

Mr. Benish also indicated that staff did request comments from the federal government (military) about concerns regarding adjacent uses or long-term expansion – but no response has been provided regarding those needs, and they have not identified any particular concern.

Mr. Rooker asked if it would be a problem to make that 20-acre adjustment.

Mr. Benish replied that it wouldn't. He also said that there is benefit to having all of that property in the growth area as it makes it more consistent with County policies for provision of services such as utilities.

The cons for expansion of the Piney Mountain area are: 1) there is no immediate need for additional residential-, retail-, or office-designated land for at least the next ten years; recently approved development projects and by-right projects can provide all the needed residential units and/or retail and office square footage for at least the next 10 years; 2) there is a significant amount of existing residential, retail, and commercial development within a few miles of the DIA/NGIC facility; and 3) prematurely expanding the DA when the space is not needed may encourage more sprawling, "greenfield development" rather than the development/redevelopment of areas already served by facilities and services, and supportive of transit, pedestrian, and bicycle access while reducing the overall dependence on vehicle travel.

Ms. Mallek said that she raised that possibility with General Burriss on the day the facility opened, and he said that security issues were paramount for them. He felt that there was no way for them to protect themselves and their workers if there are tall buildings nearby. She said she does not want to create a hostile environment where they feel they need to leave and go somewhere else because the County is crowding them with a large number of housing that they cannot control. If the access to the residential is through their property, that's another problem.

Mr. Benish said staff did get similar concerns from NGIC in that their concern was with industrial and larger and taller buildings. They seemed less concerned with public uses, greenways and residential development.

Mr. Benish indicated that as with Area 2, there doesn't seem to be a critical need for this expansion within the next 5 to 10 years and again it may create disincentives.

Ms. Mallek commented that she would like to encourage completion of some of the many projects that have already been approved.

Mr. Benish reported that staff and the consultants recommended expansion to the southern Hollymead development area, but for a different range of uses – lower-scale residential and neighborhood service type uses; the Planning Commission recommended no expansion in Hollymead. He also reported that staff and the consultants did not recommend an expansion for the Piney Mountain area, nor did the Commission. At the Commission's request, he said, staff developed a revised land use proposal for the Hollymead and Piney Mountain expansion areas that does make accommodations for some regional service – including a big-box retailer. It is a concept that is similar to the CPA that staff received at the beginning of the process of beginning the master plan.

Mr. Boyd stated that there was a Resolution of Intent passed for Piney Mountain and unanimous agreement by the Board that the entire 50 acres would be rezoned – but it got mixed up in context when the Pantops Master Plan was discussed. That is a commitment that he feels like he made, and unless there is some compelling reason not to do that, he thinks the Board should include that in.

Mr. Rooker said that he would favor bringing it forward to public hearing, as the 20 acres should definitely be included in the expansion of the growth area, but the other 30 acres should be discussed further. He also stated that he wanted to review the minutes regarding the discussion that led to the

resolution, noting that what was paid for the parcel and what was said to be the appraised value yielded a differential that was much less than the landowner had implied it would be.

Mr. Boyd said he would also support moving forward with that.

Mr. Benish confirmed that the designation of the property should it go into the growth area would be neighborhood density residential.

Mr. Thomas asked if 20 acres could be taken out of Biscuit Run and brought north.

Mr. Benish responded that those types of things would be considered as part of the broader Comp Plan Amendment process, so that inventory would be assessed at that time – along with remaining capacity and changes in circumstance.

Mr. Dorrier suggested looking into a designation of “Intelligence” due to the specific security needs, etc. of that type of development because it is not subject to local controls.

Mr. Rooker commented that once the federal government buys it, it is theoretically treated that way anyway.

Mr. Boyd asked if the Wendell Wood proposal for the Hollymead expansion area and the County’s expansion area are the same.

Mr. Benish responded that they are fairly similar, but not exactly the same. He said that Mr. Wood’s plan would call for a big-box, large footprint retailer – while the County’s plan calls for more of a mixed-use commercial center. He added that technically there are two plans – one drafted by the consultant and one drafted by staff for the Commission. Mr. Benish stated that the Commission recommended no expansion, and asked for some direction from the Board as to what should go to public hearing. Staff believes that the plan it drafted is most consistent with the applicant’s request.

Mr. Boyd said that he is in favor of moving it to public hearing.

Mr. Rooker said that he is not in favor of taking it to public hearing. He added that commercial areas can be destroyed by approving too much other commercial area. He stated that there is over 2.0 million square feet in the Route 29 corridor of un-built commercial space, and he has worked for almost nine years with Albemarle Place. Mr. Rooker said that the Board is not doing property owners any favors by approving more and more commercial development when the area others – Albemarle Place, Hollymead Town Center, North Point, etc., are not even close to being built out. It becomes even difficult for them to attract the kind of nexus of tenants necessary to put in place the improvements to develop their property according to their plans. There’s plenty of retail to service all of the existing and planned residential development in those areas; all we do is create ghost towns of the developments the County has approved, that will take longer and longer to develop out. In his opinion Albemarle Place would have happened a lot quicker if Hollymead Town Center had not gone forward.

Mr. Boyd stated that he sees it as a key element in getting proffered funds for Berkmar Drive Extended, and he doesn’t feel that the government should be controlling the market forces.

Mr. Rooker said that under that scenario, every piece of land in the rural area is subject to being developed immediately. This property is zoned Rural Area, and it is not in the growth area. The Board does make those decisions, otherwise the entire County – 723 square acres – shouldn’t have zoning.

Mr. Boyd commented that if it didn’t provide other benefits to help get Berkmar Drive Extended built, then he wouldn’t consider it.

Mr. Rooker responded that the contribution the developer is offering is not at all building the Berkmar bridge – it is simply putting a road on his property to serve his needs. It is only a piece of property that somebody built their own road on. It really does not get you anywhere in terms of completing the network the Board is talking about, unless you’ve got funding for the bridge in place.

Mr. Snow asked Mr. Benish to point out the area in question.

Mr. Benish pointed out the location of Ashwood Boulevard going into Forest Lakes and the radio tower location, noting that the expansion area west of Route 29 is represented by a dotted line on the map and Rio Mills Road where it parallels the River is just off the map. He showed the proposed location for the big-box store, stating that the applicant’s concept included land that was straddling the development area.

Mr. Boyd said that there would have to be an entire zoning request for that, and he is just talking about the growth area addition.

Mr. Benish said that there is about 140 acres total under one ownership, with 115 developable because of stream valleys and slopes.

Mr. Rooker commented that the Piney Mountain issue, where some commitment was made when the NGIC transaction took place, is entirely different than approving a 140-acre expansion in the growth area for potential development that is not even needed in the foreseeable 20-year period. He said that it would not add to the commercial well-being to the County as a whole until it is needed.

Mr. Boyd stated that the private market determines those things, and the advantage here is to get funds for Berkmar Drive.

Ms. Mallek asked who would do the mile and a one-half leading up to that, adding that there was discussion in the past of having funding given for the bridge.

Mr. Boyd said that he has a problem with government saying that there is too much retail space.

Mr. Rooker responded that most people in planning agree that there is a detriment to having retail scattered throughout the County. He mentioned an article about Hollymead Town Center that focused on "sidewalks to nowhere." None of the sidewalks connect to anything because you step off onto dirt because it has not developed out. That will be the same problem in Albemarle Place and North Point. The problem gets accelerated the more and more that is approved because things that are already there are reasonably built out.

Mr. Boyd asked why Albemarle Place hadn't put in a Wal-Mart or Costco if it was such an attractive location.

Mr. Rooker replied that they would have had an easier time coming to commercial fruition had it not been for Hollymead Town Center – even though he supported that development also. This in the middle of the two adds nothing in terms of servicing the residential areas that aren't already being served.

Mr. Boyd said that when this proposal first came forward there was a Wal-Mart ready to be built there, and the Board at that time said wait for Places29.

Ms. Mallek stated that Wal-Mart has already decided to expand where they are which is fantastic.

Mr. Boyd commented that a lot more would have happened at the new location.

Mr. Rooker emphasized that there is only so much demand for retail, and if you spread it out you end up with ghost towns. He added that without the bridge, there will be a lot of new traffic just dumping out onto Route 29.

Mr. Boyd added that he does not think the Board can approve anything in there unless Route 29 is widened.

Mr. Rooker commented that without a bridge all the traffic will come back out to Route 29.

Mr. Benish stated that the language in the Comprehensive Plan states that a number of road improvements would need to be in place, and this expansion area is predicated on the substantial completion of the immediate network of roadways here.

Mr. Snow commented that some development areas were approved near Glenmore based on the fact that the roads were there. He asked if this could be included in the plan with the stipulation that it could not be developed without Berkmar Drive and road improvements on Route 29.

Mr. Benish said that could be done. The text for transportation improvement says that Berkmar Drive needs to be connected, Rio Mills Road needs to be established, six-laning of Route 29 needs to take place, and one other connection needs to be made. Most of the modeling included all of these improvements.

Mr. Snow said he could support that in the expansion area if the language were part of the plan.

Mr. Rooker said he thinks it is a good idea to have that in it if it goes forward, but he will not support it because there is no need in the next 10 to 20 years for expanded retail in that area, and the only thing it will do is take away approved retail that could have gone somewhere else.

Mr. Tucker asked if the Board is supportive of moving forth with the advertisement as presented.

Mr. Rooker said he would make a motion not to include the expansion area.

Mr. Snow said that he would make a motion to include it.

Mr. Snow then **moved** to include the expansion area south of Hollymead subject to the improvements for the proposed Berkmar Bridge, Berkmar Road Extension and improvements to Route 29 referenced in the Master Plan. Mr. Dorrier **seconded** the motion.

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

AYES: Mr. Snow, Mr. Thomas, Mr. Boyd and Mr. Dorrier.

NAYS: Ms. Mallek and Mr. Rooker.

Mr. Benish asked if there was agreement to advertise for expansion of Piney Mountain.

Board members concurred.

At this time, the Chair asked for comments from the public.

Mr. Timothy Hulbert, President of the Charlottesville-Albemarle Regional Chamber of Commerce, said that there is a consensus on an action plan – Hillsdale Drive, Berkmar Extended, expansion of Route 29 lanes, BestBuy, and enhanced transit. The Chamber thinks the 20-acre addition for Piney Mountain might turn into more later and therefore supports the entire expansion of the 50 acres. He urged the Board to pull out the doable things and move forward on them. He said that any language about a grade-separated interchange at Rio Road will not have consensus from the business community, as they have been against it from the start. He reiterated that the Boards need to move forward on the doable and eliminate those other lines.

Mr. Carter Meyers, a retail automobile owner located on Route 29 North, said he agrees with doing the doable. He spent eight and one-half years on the Commonwealth Transportation Board and looked closely at the Rio Road interchange, and the interchanges will not look anything like what they do on a map now. When engineers start building them they get bigger and bigger. The interchanges will mean disasters for the businesses during the construction period. His business almost went under during the widening of Route 29; sales fell 50%. Mr. Meyers said that retailers will not survive construction, even if the business is not taken. With the exception of those things that will work, he thinks that the transportation part of this plan needs to be pulled out. He stated that jobs and taxes come out of Route 29, and that needs to be the engine for economic development. Mr. Meyers added that Berkmar Drive should be a commercial area, noting that he owns property there and would like to expand his business eventually. He is not interested in keeping the area residential. Regarding the Places29 plan, he commented that it is a real problem as it has grown way out of what the original concept was. He asked the Board to stop wasting a lot of money on the plan, just do what is doable.

Mr. Thomas commented that Berkmar was designed to be commercial from the beginning.

Mr. Jeff Werner, of Piedmont Environmental Council, said that it seems the objectives on Route 29 are “to do nothing.” He emphasized that the traffic counts and VDOT’s analysis have clearly indicated that improvements are needed in order to improve traffic flow, but the business community plans to do nothing. In order to save the commercial engine of Albemarle County, the business community prefers gridlock on Route 29. He stated that he is beyond baffled. So if the Board thinks that doing nothing on Route 29 is the way to save commercial downtown, what does that mean for the community, to do nothing at these intersections. This is about one grade separated interchange at Rio Road. Mr. Werner said that the business community’s perception is that improving one intersection will kill your economic engine. In his opinion that is absurd. He emphasized that no one is proposing a highway, and the Board needs to be honest to the public about the fact they are going to do nothing on Route 29.

Mr. Neil Williamson, of the Free Enterprise Forum, said he has not heard the business community say do nothing. Earlier today during the Crozet Master Plan work session earlier today Ms. Echols mentioned that the revision “expresses changes that provide realistic citizen expectations”. Mr. Williamson also said that she commented, “if there had been unanimity supporting the change, it might have been included”. He stated that there has been unanimity in the business community and elsewhere with regards to the plans for Route 29 and the “boondoggle” that is Places29. Mr. Williamson said that it is possible to take the good out of Places29 and get something done. It is important to recognize that if the Crozet citizens deserve realistic expectations for what can get done, Route 29 North citizens deserve the same.

Ms. Jo Higgins said it is her understanding that the Board’s recommendation is to remove many of the small roads shown on either side of Route 29, and specifically the one that starts at Wachovia Bank at the corner of Airport Road and Route 29, and continues through to Timberwood Parkway. She commented that that has been accomplished with crossed access easements that can be entered at the Liberty and drive all the way through a parcel called Teke and stay off Route 29. The line on the map has caused them issues. It goes through the proposed office in North Charlottesville Self Storage and issues with banks come up when there is a planned road. She added that the military base and NGIC area on Route 29 North provides a great opportunity for a walkable community with mixed uses. She is surprised about the idea of limiting the acreage for the growth area. She said that without that, people will have to travel up and down Route 29.

Mr. Rooker said that the Board already decided to include that expansion in advertisement for the public hearing.

Mr. Werner clarified that his comments about “doing nothing” were referring to the intersections.

Mr. Boyd mentioned that he comes through the Rio Road intersection at least twice per day, and has never had to stay more than one light cycle.

Mr. Werner responded that the light timing has been “pure genius,” and he hopes the same can be done in the City.

Mr. L.F. Wood said the business community has worked with the County for over five years in trying to do something. They have spent money on studies showing that Route 29 should be an urban boulevard, not an expressway, and the recommendation is to do the things that will improve transportation – the parallel road system, six-laning of Route 29, the BestBuy ramp, etc. – and all of that is doing something that’s going to service our citizens. Mr. Wood said that by doing something, the urban boulevard atmosphere will be preserved – with 45% of local revenue, \$800 million in payroll, and 20,000 employees coming from that corridor. They want this to be positive as opposed to negative. He said that if you are heading west on Rio Road now, 80% of that destination is to go north or south on Route 29; Route 29 is the destination of the people. Mr. Wood stated that the pedestrian issue has been discussed

many times, and his predecessor as Chairman of the Route 29 North Business Council was to recommend that it be an urban boulevard promoting pedestrian traffic for citizens. Mr. Wood said he thinks a tremendous amount of progress has been made with the staff and the discussions that they have had just within the last year. He suggested that the plan go forward, and do the doables as supported by the people.

Mr. Morgan Butler, of the Southern Environmental Law Center, said that study after study has shown that grade-separated intersections are absolutely critical. Mr. Butler said that while the impacts of those on businesses need to be considered, so do the impacts of not building them. He provided two quotes from the staff report: "The significant delays that traffic coming from either side of US 29 will experience without these improvements will ultimately impact customer flow to businesses on US 29 to an equal or greater extent than the impacts of the recommended improvements." The report further states that "the consequences of not constructing the road improvements recommended in the Master Plan will include increased congestion, difficulty marketing the County to new businesses and employers, and the loss of business to less-congested areas – such as Zions Crossroads, Greene County, and Waynesboro among others." He said that the plan has been scaled back, and the small-area plan is a collaborative effort between property owners and all other stakeholders to come up with a design that minimizes those impacts. Mr. Butler stated that some of the groups that are recommending removal of the interchanges are also supporting the South Hollymead expansion so long as language identifies the road improvements that are first needed to handle that expansion. He said that a TJPDC study indicates that in order to handle the expansion, "it should be noted that the modeling for all the build alternatives that include improvements on US 29 in this study assumes that the grade-separations described about would be in place by 2035", and "the traffic forecasts and the measures of effectiveness for these roadway alternatives reported in this study will not be valid if the grade separations are not included." Mr. Butler emphasized that this is a Master Plan that requires identification of land use designations and the transportation projects needed to handle the growth that we know is coming in the most effective and economical way.

Mr. Butler stated that if the Board starts taking off road projects, all it will have left is the growth, with no plan to handle the traffic. He said that Mr. Hulbert referenced VDOT "putting a gun to our head" to build an interchange. In his opinion, if steps aren't taken now to make improvements, the entire community is going to be putting a gun to its head in 20 years because it will not be able to stand the traffic on Route 29. Mr. Butler urged the Board to be careful about removing things from the transportation plan because it will then be left with an unworkable solution.

There being no further public comment, the Board began their discussion.

Mr. Boyd suggested that the Board and public see the altered maps prior to this going to public hearing.

Mr. Benish said that the slated timeframe for the public hearing would be November, so that it would not overlap with the Crozet Master Plan public hearing.

Reading from the same TJPDC report as Mr. Butler, Mr. Rooker said "the traffic analysis conducted as part of the Places29 planning process, funded primarily by VDOT showed that grade separations would be necessary at several intersections in order to accommodate existing traffic and anticipated growth over the next 20 years. It also states that "no other combination of road improvements or land uses was successful as a recommended one in addressing the backlog of needed improvements in preparing to serve the additional growth expected in the Places29 area in the next 20 years." Mr. Rooker stated that Albemarle Place representatives have saved land for a grade-separated interchange there, and they are not as bothered by the potential for that interchange as they are about the possibility of gridlock. The Board does have to be mindful that it has to have a plan that it has some reasonable basis in traffic studies to believe it will work. He said that while there were speakers here today opposed to grade-separated interchanges, he received 78 emails from people in the community regarding the plan – most of which supported grade-separated interchanges.

Mr. Rooker emphasized that every study that has been done has shown that there is no effective way to take care of the east-west traffic as it continues to grow unless you have an interchange at one of these roads. There are only three roads that go all the way through – Hydraulic Road, Rio Road, and Airport Road. He said that putting in a grade-separated interchange does not create an expressway, noting that there are 56 curb-cuts on the east side of Route 29, with 40+ on the other side. There was never a plan in here to have an expressway.

Mr. Snow said that the goal today is to try to come up with a plan for what can be done immediately, with a long-term goal of looking at other projects.

Mr. Dorrier stated that the County needs to stick with doing the doable, adding that if something is wrong for the area it needs to be stripped out. If the Board is not going to support the grade separated interchanges, they need to be removed now.

Mr. Rooker pointed out that there have been three separate traffic studies that support grade-separated interchanges.

Mr. Cilimberg emphasized that staff is going to have to put together language that either does or doesn't include the references to the interchanges.

Mr. Benish noted that what staff has laid out here emphasizes what happens over the next five years, but it has not deleted all references to grade-separation.

Mr. Cilimberg suggested that the concept of the small-area plans could be put in beyond the five years, so that the short-term priorities can be addressed first, with the plan coming back for review in five years – at which time the small-area plan would be at the top of the list. He reiterated that it does not remove the interchange references.

Mr. Snow, Mr. Rooker, Ms. Mallek and Mr. Dorrier said that was a logical approach.

Mr. Boyd said that to be intellectually honest, it should be stated that all traffic studies suggest putting the interchanges in, but it should also be stated that “at this time there is no funding and no intent to do it.”

Mr. Cilimberg said that has already been acknowledged.

Mr. Snow commented that he likes the wording of that, so when the Board considers this in five years they can look at all alternatives and not necessarily just grade-separated interchanges.

Mr. Cilimberg said that they would be acknowledging that grade separated interchanges have been identified as a need, but there is no funding for them which means they are not in a plan, essentially just be in a long-range plan at that point.

Mr. Snow agreed, saying there is no plan and in five to six years, they will come back and start working on a plan for the intersections.

Mr. Rooker suggested that the language could state that “a small-area plan would be done at this intersection to study potential improvements for traffic flow.”

Mr. Boyd said the point he was getting at is that the grade separated interchanges are not required, but being left as an option.

Mr. Cilimberg noted that there would need to be new traffic analysis done with the next five-year review.

Mr. Snow added that it should also include the economic impact.

Mr. Rooker said that the economic impact cannot be determined without a small-area plan.

Mr. Thomas thanked Mr. Benish and Ms. Wiegand for their hard work and good job on the plan.

---

Agenda Item No. 22. **Work Session:** Community Development – Legislative Review Process.

The following executive summary was provided to Board members:

“The purpose of this work session is to request Board direction on possible changes to the legislative review process, which include rezonings and special use permit applications. The County has a long history of efforts to improve these processes, with the emphasis on improving efficiency and removing impediments to decisions. Most recently, this was considered by the Development Review Process Task Force and included in the Economic Development Action Plan (Attachments A and B).

Staff believes any consideration of process changes should start with a shared understanding of the nature of the legislative process, the roles and interests of the various participants, and the variables affecting quality and efficiency in the process. A summary providing the background on the process and variables affecting quality and efficiency associated with the legislative review process is attached. (Attachment C) To summarize, the four variables to consider are 1) review efficiency, 2) the number of review issues, 3) the extent of review to assure quality development, and 4) the number of decision-makers. With a legislative application, the County has a mandated process for decision making, so the number of decision-makers is set (#4 above). Staff also recognizes that the number of review issues to assure development quality reflect constituent concerns raised over the years (#3 above) and the Board has not voiced any interest in reducing the review standards. This leaves two considerations for the County. Review efficiency (#1 above), where staff has identified additional opportunities for changes in the process and which is discussed below, and delegating review issues (#2 above) to the ministerial process (e.g. critical slopes) where possible, which will be presented at a future work session.

An analysis of review efficiencies begins by first considering the actual time required for applications. Graphs of review times for rezonings and special use permits are provided as Attachments D and E. Several things should be noted with these graphs. First, both graphs are in chronological order from initial submittal and reflect total time regardless of the reason. To help the reader understand the dates in the graphs, a marker has been set for May 2007, when the Board adopted the recommendations of the Development Review Process Task Force. Next, with respect to rezonings, the trendline shows a significant reduction in times, which now seems to be leveling off at approximately five months. With respect to the special use permits, it is noted that the trendline is flat, with an average of approximately five months as well. Finally, in looking at a number of the lengthier rezonings (shown in the lighter bar), staff found that these applications consistently had plans that were substantially revised after Planning Commission and/or Board review, with a significant number of deferrals, indicating the initial application required multiple changes as a compromise was sought between the applicant and County.

Staff also consulted with some of the County's peer counties that have similar expectations for rezonings to evaluate their review processes. Staff focused on three localities considered to be the most comparable to Albemarle County (James City, Hanover and Fauquier). Staff did not find any locality that reports typical rezoning times, but all indicate the time varied between three months and years, similar to Albemarle's experience. While all of the counties appear to desire rezoning applications to be completed within 3-6 months, all indicated that a complex application usually takes much longer and it is not unusual for a complex application to take several years. Next, while there is no data on deferrals or denials, it appears Albemarle County is more likely than the other localities to grant deferrals and more reluctant to deny a rezoning. Staff notes that the Board has denied only one rezoning in the last ten years. This fact led staff to recognize that lengthier process times in Albemarle County may be a function of the applicant's knowledge that a deferral is always available. If the developer is seeking a compromise with the County to minimize additional development expenses, this is an important option. While "time is money", it should be recognized that many rezoned properties are not immediately developed, but instead held for the right market conditions or the right buyer to come along. As such, an applicant may be more motivated to seek compromises than a quick decision.

With this information, staff believes the County's legislative processes are comparable to the other localities. Some applications appear to take much longer than average, primarily because an applicant makes extensive use of deferrals. While the Board may wish to consider whether there should be a limit to the number of deferrals available to an applicant, staff has focused on how to improve the efficiency of the existing process. Staff believes the following changes would help reduce time and costs:

1. Codify expectations as application requirements. Many of the County's expectations are not required to be addressed with an application, which leads to applications that require extensive revisions. For example, the County should specify that the State mandated "527" traffic study must be submitted with the initial application. Extensive time and review is wasted because the traffic study delays the application and later shows the reviewed plan has not adequately addressed traffic impacts. Additionally, by codifying the expectations, the Board must review and approve the requirements as part of incorporating them into the ordinance. If the Board feels any criteria are unnecessary or additional criteria are needed, it would have the opportunity to have the criteria included in the application requirements. Staff believes this can reduce "scope creep" in the future.
2. Codify a pre-application conference. This would require applicants to submit a proposed application without a fee. Staff would review the proposal and then meet with the applicant the following week to review whether the application was found complete or what corrections are needed prior to acceptance of the application. If the application was found to be complete, the applicant would be notified of the required fee, proposed review schedule, and the date for receiving comments. The County would consider the application submitted when the fee was paid.
3. Formalize a community meeting process. Staff finds that public concerns with an application are often not identified until the public hearings, which can result in deferrals to address the newly identified concerns. By holding an applicant-sponsored community meeting prior to submittal or immediately after submittal, the applicant and the County can better identify public concerns at an early stage and avoid delays. Staff proposes that this meeting would be the applicant's meeting with the community rather than a County meeting. However, County staff would attend the meeting to answer any questions regarding County processes and expectations.
4. By policy, avoid indefinite deferrals. Indefinite deferrals usually reflect an application that has major unresolved issues and the applicant is not sure how to address those issues. In those cases, staff believes the County and the applicant would be better served by establishing a date by which a resolution of the issues is expected. If the applicant cannot meet this date, it would likely be better for the application to be withdrawn and resubmitted once the issues have been resolved. This policy would help the public as well because an indefinite deferral is difficult for the public to track, leading to frustration and feelings they are being marginalized by the process.

If the Board is interested in proceeding with staff's recommendations, a resolution of intent can be prepared for the Board's approval to initiate the zoning text amendments. Given current priorities and projects already underway, staff would anticipate beginning work on this proposal in October, with ordinance amendments being reviewed by the Planning Commission by March, 2011.

Staff's recommendation should reduce the County's cost for application reviews. Staff will include estimates of any cost reductions and recommended fee adjustments with ordinance amendments that are brought forward.

1. Staff requests that the Board identify any additional issues that it would like staff to evaluate.
2. Staff recommends that the Board direct staff to prepare a resolution of intent to initiate the zoning text amendments for the recommended process changes for consideration by the Board at a future meeting."

---

Mr. Mark Graham, Director of Community Development, said that in considering the legislative applications, staff did provide some background and he hopes the Board found the material to be helpful. He stated that there are three important points to remember for rezoning and special use permits. First, there is a mandated process, whereby the County must go through public hearings with the Commission and Board in order for approval. There is nothing staff is going to do to streamline the process and make

this administrative. Secondly, the decisions have fairly significant consequences, as the approvals are binding on both the County and the applicant. He stated that with rezonings there are specific requirements for the developer and the County. Mr. Graham noted that there are rarely denials with these applications, as deferrals have been the preferred approach – with denials meaning the applicant cannot resubmit for a year. Third, these are discretionary acts by the Board and they have wide latitude as to how they will consider the issues and recognize the unique circumstances of each application. Mr. Graham said that by its very nature makes this a very subjective process, in that at least four Board members have to agree on whatever they are going to approve.

In terms of elements of legislative review, the more complex the issues, the more time it takes to decide them – and the same is true with the level of quality and expectations. Mr. Graham said that the decision process is pretty well mandated, and the one focused on the most has been the efficiency of the process, looking at how staff can improve their review. He said he thinks there is still some opportunities there, but staff is running out of big-ticket items.

With regard to complexity and costs, Mr. Graham stated that there was an exponential increase in time and cost as the complexity increases, and even if efficiency is improved there would only be incremental differences. Mr. Graham said that the only other way to save would be to significantly lower the County's expectations as far as that development.

Mr. Graham said he has provided a graph showing recent rezonings and the time involved. He noted that with North Point there were two applicant deferrals that were over three years in length – with 22 work sessions with the applicant. That was 22 times the applicant brought this application forward to the Board or the Commission in trying out ideas. Mr. Graham reported that with Belvedere, the form of development became a difficult issue and there were over 10 work sessions with the Planning Commission. He said that Old Trail took only eight months to get done, and it is the largest active development in the County right now. Mr. Graham noted that the developer waited for the first Crozet Master Plan to be completed before proceeding with rezoning applications but once that was approved it was done in eight months. He reported that with Avon/5<sup>th</sup> Street, the Commission did not hold a lot of extra work sessions but instead sent it forward to the Board with a recommendation of denial with a list of stated conditions. Although that rezoning was shortened in the time it got to the Board, the result was that it took a lot of Board time for review because of the number of work sessions. Mr. Graham said that the emergency veterinary clinic on Airport Road had three applicant deferrals before it got to the Planning Commission, and all along the applicant was getting staff comments and trying to work with the neighborhood before bringing it forward.

Mr. Graham also presented a timeline for special use permits, with the average being down around five months – which seems to be in line with other localities and also with the trend line for rezoning applications. He emphasized that with North Point, staff prepared a report within 38 days from the time the application was submitted; the applicant then deferred it for two years while he worked through transportation issues and other matters. Mr. Graham said that the Commission decision only took about two and one-half months, for a total of only four months of County time from the time it was originally submitted to a recommendation from the Planning Commission for the Board. The time is often in working through these issues, which are fairly subjective and each Board member is going to have their own unique perspective on.

Mr. Rooker noted that North Point was recommended for denial by the Commission.

Mr. Graham responded that it was recommended twice for denial.

Mr. Thomas mentioned that the applicant had actually wanted to skip the Commission and go straight to the Board.

Mr. Graham said the request came to the Board; the Board had a couple of work sessions and then decided to send it back to the Commission to work through the issues. It spent about five months at the Commission, could not work through the issues, and came forward with another recommendation for denial. It then went through another process with the Board.

Mr. Rooker said that things could be accelerated by voting for denial, but then the applicant must wait a year and pay again for another application. He believes that unfortunately, the applicant views the ability to defer and delay as part of the negotiating process.

Mr. Thomas stated that often the applicant doesn't want to spend the time to have a work session, but that can often make the actual application process go more quickly.

Mr. Rooker mentioned that there was a special North Point application review team established which he and Mr. Boyd served on, but ultimately the project got approved.

Mr. Dorrier commented that the development will fit in nicely with NGIC.

Mr. Graham agreed, stating that the first NGIC rezoning went through very rapidly – and then an amendment was done in near record time – about two months. That illustrates that if the complexity of the application drops, staff could process these fairly quickly. There are a lot of issues to work through bigger and newer developments.

Mr. Rooker commented that it has been a fairly long day and if everyone has read the four recommendations in the executive summary and is comfortable with passing a Resolution of Intent, he is

comfortable with moving forward. He thinks the recommendations are sound as additional steps to improve the process. Mr. Rooker then **moved** that staff prepare a resolution of intent to initiate the zoning text amendments for the recommended process changes for consideration by the Board at a future meeting. Mr. Dorrier **seconded** the motion.

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

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

---

Agenda Item No. 23. From the Board: Matters Not Listed on the Agenda.

There were none.

---

Agenda Item No. 24. Adjourn.

There being no further business, the meeting was adjourned at 6:05 p.m.

---

Chairman

Approved by Board
-------------------

Date: 03/02/2011
------------------

Initials: EWJ
---------------