

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 6, 2011, 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, Thomas C. Foley, County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:01 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Recognitions.

Item No. 4a. Fair Housing Month Proclamation.

Ms. Mallek read the following proclamation:

FAIR HOUSING MONTH

WHEREAS, *April 2011, marks the forty-third anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and*

WHEREAS, *the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and*

WHEREAS, *vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and*

WHEREAS, *illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;*

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming

**APRIL, 2011
as
FAIR HOUSING MONTH**

and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.

Signed and sealed this 6th day of April, 2011.

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

Mr. Boyd said he would like to discuss the Rivanna Pumping Station which is currently an issue before the Rivanna Water and Sewer Authority Board. He provided Board members with a copy of a letter from the Pantops Advisory Council (copy on file in Clerk's office) regarding the Rivanna Pumping Station, and a copy of an analysis based on the flow analysis done by RWSA on the Rivanna Pump Station project. Mr. Boyd said he thinks it is important for the Board to give him direction on voting on this issue. There is a consent decree requiring the RWSA to do something about the inflow and infiltration in the pump station capacity there – with a project report indicating the weather capacity needs to be upgraded from a peak of 25 mgd to 53 mgd in order to handle the peak wet water flow. Mr. Boyd said that this is due to infrastructure that has been allowed to get old and decrepit, with rainwater being pushed into sewer pipes. There is concern in the City that they are being asked to accommodate growth in the County. He mentioned that the peak water flow in 2020 is expected to be 40% from the County and 60% by the City. The City has passed a resolution requesting that all options for the pumping station except Option D be taken off the table, and that they only look at the option that is across the River in the County.

Mr. Boyd said that the Pantops letter indicates that those residents do not feel only one option should be considered. RWSA must do something about this before December 31, 2011. He asked that a decision be delayed until the upcoming RWSA meeting so that he could get input from this Board on what the County wants to do. Mr. Boyd said he also took the time to talk with State Farm which is the proposed site for this facility. State Farm is concerned because that option would be taking property that is earmarked for expansion in their long-range plan.

Mr. Rooker asked how close this is from the existing State Farm building.

Mr. Boyd responded that the proposed location is above the wetland area because of the electrical equipment. It is on a parcel already designated for other use. Mr. Tom Frederick has met with State Farm officials to show them the proposed location. He added that he sympathizes with the Woolen Mills residents and that they want this moved off their property, but there are other issues with Option D.

Mr. Rooker noted that the cost difference is \$9 million to move the station there.

Mr. Boyd said that he cannot support taking Option A off of the table, stating that the cost to study that and Option D totals \$200,000. The cost to study Option D only is approximately \$100,000. He stated that he asked Mr. David Brown if the City was in a position to pay the additional \$9 million, but he indicated that they were seeking a cost-sharing agreement. Mr. Boyd commented that he is concerned with the cost, and with the potential impact on State Farm.

Ms. Mallek said that the updating of design would move a large amount of the station underground, and putting a new station elsewhere does not solve any of the existing facility's problems. Mr. Boyd said that is correct.

Mr. Boyd added that the piping system would be enclosed instead of open as it is now.

Mr. Rooker noted that the reason for some of the buildings is to solve the problems that residents at Woolen Mills have raised. Mr. Boyd said that is correct.

Mr. Rooker asked if a new pump station was built across the River, would there still need to be a pump station at the location of the existing pump station.

Mr. Boyd said that the two options are to move the entire facility across the River and take everything out of Woolen Mills or add the expansion across the River in which case there would remain the Woolen Mills operation but you would pick up the additional capacity across the River. In either case you would have to pump it across the River and back over. He added that operational costs were not available at the last meeting but will be available at the next Rivanna Board meeting.

Mr. Rooker stated that he supports Mr. Boyd's recommendations, emphasizing that at least two options need to be retained. He added that \$5 million was spent to resolve odor problems at the existing Moore's Creek treatment plant over the last few years.

Mr. Boyd clarified that it was \$1.8 million, adding that the compost area was removed as it also contributed to the odor. The waste treatment plant is also a short distance from Woolen Mills and that is not going away. He also said that the Board could discuss the item more in depth during Mr. Frederick's presentation later in the meeting, but he wanted to bring it up because there are people in the audience who were at the Rivanna meeting.

Mr. Snow asked how much land is involved at State Farm. Mr. Boyd suggested that Mr. Frederick respond to that question. He added that State Farm is very community conscious, but this affects their long range business plans.

Mr. Snow said that he received a telephone call from a constituent who needed a handicapped parking space at COB-5th Street, but all the spaces were taken up by County vehicles. He asked staff to look into the issue.

Mr. Snow confirmed that the Board will be visiting the Old Jail on Wednesday, April 20th, at 4:30 p.m.

Mr. Snow stated that he and Mr. Thomas met with Secretary of Transportation Connaughton this past week. The topic of discussion was whether the County would be interested in a bypass around the City. He and Mr. Thomas' response was that their main concerns were getting the widening of Route 29 and a bridge for Berkmar Extension. Mr. Snow said that he indicated that studies have shown that that would be more beneficial to the County than anything else. They left the conversation with, until those issues were solved, that is not something they would be interested in.

Ms. Mallek reported that she substituted for Mr. Thomas at the last ACFRAB meeting. It was a great atmosphere with all volunteer chiefs and paid staff discussing how to move forward with the new system and how to develop it smoothly. Chief Eggleston has met with one company alone; she met with Earlysville and together they met with CAARS and North Garden to respond to questions from members and leadership. Although they still have a lot of work to do, she is optimistic and believes they have turned the corner.

Ms. Mallek said that she received a notice from Mr. Kevin Schmidt, Office of Farmland Preservation, and the Virginia Department of Conservation and Recreation, stating that the County's purchase of development rights program (ACE) is able to participate in a grant program to receive \$150,000 from the Farm and Ranch Lands Protection Agency. Because of the short timeline, the Board

needs to decide whether to allow the Appraisal Review Committee to provide a contingent approval. Ms. Mallek said that there would be a staff report forthcoming on this, but emphasized that the County would need to act on the measure by May 27 to meet the state deadlines.

Mr. Foley said that some action could be taken on this item at the April 20th meeting.

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

Ms. Nancy Dresner, representing residents of Brocks Mill Road in Stony Point, said that Brocks Mills Road is a very old public road that is currently privately maintained. In 2006 the County requested that VDOT take Brocks Mill Road back into the State system as a rural addition. Ms. Dresner said that the road is public and was originally Doctors Crossing, and when the State took over the County's public roads it didn't include the stretch because it didn't have enough houses. She stated that this stretch of road is now used by seven houses, 21 tax parcels, and 18 daily drivers.

In January 2006, Ms. Dresner said, the residents presented a request to the Board that Brocks Mill be taken back into the road system – but the Board could not move on the request because the County was not eligible for the State's rural addition program, which allows counties to fold old public roads back into the system using specially designated road funds. When the rural addition requirements changed, the County requested that VDOT take Brocks Mill into the state system. Ms. Dresner quoted from an August 2006 letter sent by Mr. Juandiego Wade: "The County requests VDOT's assistance in adding to the State road maintenance system Brocks Mill Road as a rural addition project. The residents and the County wish to add this road to the system so the County and VDOT start to fund the project through the rural addition fund in the Six Year Plan." In July 2008 Mr. Joel DeNunzio of VDOT informed the County that the rural addition funds had been accumulated so the road could be completed. VDOT engineers designed the road and went to her neighbors to collect letters of intent for right of way donation. She stated that in 2009, VDOT forwarded the project to Mr. Greg Kamptner. Mr. David Benish noted recently that he could not find evidence that the Board had officially voted to use the rural addition funds for this project.

Ms. Dresner said that this is the only rural addition project for VDOT and the County. They just need the Board to say it wants to use rural addition funds for Brocks Mill Road. There is \$250,000 in the fund, and the cost is estimated at \$75,000-\$100,000.

Ms. Emerald Young, a resident/owner at Eagles Landing Apartments, said she has a video to show Sunset Avenue. Ms. Young said that it is one mile from Eagles Landing to 5th Street. Board members have been provided with a petition signed by 97 residents at Eagles Landing stating that there is a need for a public sidewalk and bike path on Sunset Avenue. Ms. Young mentioned that there are four multi-unit developments in that area – Eagles Landing, Jefferson Ridge, the Woodlands and The Villas at Southern Ridge. On the other side of the road is Redfields Subdivision. The traffic is brisk and hazardous to walk on the road. If Wintergreen Horse Farm, a 70 acre tract, would add more traffic if it is approved for housing. She then presented a video depicting the road conditions.

Mr. Carroll Houle addressed the Board, stating that the one-mile stretch along Sunset Avenue is very dangerous as it goes from 5th Street to Eagle's Landing. He also supports adding sidewalk along this stretch of highway.

Mr. Chris Hayes, a resident of 1900 Chesapeake Street, said that he was also present to discuss the pump station. Mr. Hayes explained that the first pump station was built in the 1950s and in the 1980s a large facility was built – with a promise to Woolen Mills that there would be "no smells, no sounds" and limited visibility. He presented a diagram of weather flows and projections from RWSA, stating that the impact of County growth would be more significant than the City's. Mr. Hayes said that with Option A, 316 residents within a one-half-mile radius would be affected, and with Option D the amount is significantly reduced but does affect more residents in Woolen Mills.

Mr. Diane Weber, a resident of Stony Point Pass in north Keswick, said that this is the gravel mountain road that crosses the Southwest Mountains from Route 231 in Cismont to Route 20 at Stony Point. Ms. Weber asked the Board to make the road a priority for rural paving in 2011, as it meets the Stat's criteria of a rural rustic road and would be supported by the residents. She said that in 1997 Stony Point residents signed a petition asking the county to pave the first 1.2 miles of road from the Cismont Inn, and a second petition in 2007 with 67 signatures, representing all but two of the road's 52 households. Ms. Weber said that the physical state of Stony Point Pass is a financial drain in terms of vehicular damage and personal risk, often dotted with potholes and washboarded. This is one of the roads that closes schools in bad winter. This road does not stop speed demons. She mentioned several names of people who have had accidents on the road, including her own head-on collision. She asked the Board to put Stony Point Pass at the top of its list for secondary road improvements.

Ms. Rosella Bull addressed the Board, stating her support for the Stony Point Pass paving and indicating that she has lived on the road 20 years – having 20 flat tires and an accident while living there. She also expressed concern about the school children on the road who catch the bus. The dust is almost intolerable and there are areas where two cars cannot pass one another on the road because of erosion

into the stream next to it. Ms. Bull added that she is selling her house and the road is not a good selling point. She asked the Board to do something about the road.

Mr. Vernon Liechti addressed the Board, stating that he is here to support the sidewalk at Eagle's Landing and on 5th Street from Sunset Avenue. He said that it is dangerous to walk along the road. Most people driving on that road exceed the 30-mph speed limit by at least 10 mph. The hills prevent visibility from being able to see people.

Mr. Fran Lawrence, a resident of 1729 Chesapeake Street, said that he called about the special use permit sign that was posted for the first pump station – and was told by a City employee that it was nothing to worry about and that “it was only going to be 18 inches above the ground.” Mr. Lawrence said that because of problems, the pump station has continued to grow and has become more offensive.

He stated that the Rivanna River has been underutilized and underappreciated by Charlottesville and Albemarle, and the most important interface between the community and the River lies at the end of Chesapeake Street and the end of East Market Street. Mr. Lawrence presented images of the house at Parias from 1839 where Jefferson is reported to have had his last beer, and noted the location of the County line. He challenged the Board to think about the River. He emphasized that the community has the opportunity to “pick up this river connection,” and it should be pursued, especially now that the Woolen Mills dam is gone.

Mr. Jim Heilman addressed the Board, stating that he was the Voter Registrar locally for 14 years and did the redistricting in 1991 with the assistance of the Planning staff. He also served as a consultant to the State Board of Elections and said he wrote the manual on dealing with redistricting for all the state's registrars and electoral boards. In addition to the specific criteria stipulated it is important to “do no harm” with redistricting. Mr. Heilman stated that one important consideration is distance for voters to have to drive, as they will not turn out if there is a big increase in mileage – especially in the case of local elections. He said that another consideration is “splitting up communities of interest” and when he looked at the redistricting plans for the County, he was amazed at how “neat” the first plan was and how little harm it did throughout the County. Plan 2, he said, is problematic because the entire Glenmore development would have to go all the way out to Cismont instead of voting at the nearby Stone Robinson School as they do currently. Mr. Heilman also stated that the part of the Keswick precinct that is east of Route 20 and south of Louisa Road would be “split right in half” with two different supervisors, and they would have to drive all the way to Stone Robinson School. He asked that the Board consider those issues when they consider the plan.

Mr. Charles Battig said that last month the County – as an ICLEI dues paying member – participated in sponsoring step three of the ICLEI mandated five milestones to establish a local energy plan. He said that the 18-month product, the local climate action plan process, was presented under the title “Carbon: Our Energy Future and You.” By voting to adopt the U.S. Cool Counties Climate Stabilization Declaration, the County adopted the recommended goal to stop increasing emissions by 2010. Mr. Battig stated that as water vapor represents over 90% of the greenhouse gas effect, he wondered if the County has begun to meet its own goals and how it is measuring its success in stabilizing the climate here or anywhere. He asked if any of the Board members can tell him how they measure the climate. He said that there has been no statistically significant global warming for 10 years and it is about time they declare victory and move onto real problems. The public understands that they can save money by using less money. Mr. Battig commented that everyone is in favor of lower energy costs and not harming the environment.

He said that a speaker from Darden School of Business last month presented a slide supporting claims of “unprecedented changes, dramatic changes, global warming, species extinctions, et cetera,” but no proof was given of any of this and yet it was used to create a problem, demanding new ways of thinking. Mr. Battig said that the speaker's focus on projected world population growth as a “redo of the doomsday population growth predictions of unprecedented disasters awaiting mankind” as in the Paul Ehrlich book *The Population Bomb*. He stated that since the book was published in the mid-1960s, the world population has increased from 3.5 billion to nearly 7 billion – but during that time lifespan has increased, infant mortality is down, standards of living have improved, and food production has met demand. Mr. Battig said that current perverse government policies make energy more expensive and use less efficient fuel sources. He added that the book by Julian Simon, “Hoodwinking the Nation,” includes information from Fred Singer, Professor Emeritus from U.Va.'s Department of Climatology and Environmental Sciences, and he challenged the Board to read the book and invite Professor Singer to address their climate concerns. He concluded by stating ICLE is part of the County's government.

Mr. Bruce Edmunds, a resident of Woolen Mills, asked the Board to take Option A off the table as Option D is the best management plan. Mr. Edmunds said that the land directly across the River from the existing site is County-owned and is nowhere near State Farm. He also stated that the \$9 million cost differential is questionable at best. There are no residential neighbors at Option D. They need an outside engineering to get a true cost. The Army Corps of Engineers permit 404 is subject to appeal from EPA Region Three. The current regulations would not allow the new 2.5-acre wide three story tall automatic sewer-pumping plant. The 53 mgd is based on a questionable inflow and infiltration study commissioned by RWSA in 2006. Option D is actually cheaper in the long term. Mr. Edmunds added that he is

requesting a County meeting with EPA and Corps engineering officials to discuss this proposed plant. This is not an upgrade; it is a new plant.

Ms. Karen Reifenberger, a resident of Crozet and employed by Piedmont Housing Alliance, thanked the Board for their support of Fair Housing Month and their support of fair housing services throughout the year. Ms. Reifenberger said that every April, PHA commemorates the passage of the Federal Fair Housing Act, which prohibits housing discrimination based on race, color, religion, national origin, gender, disability, and having children in the household – with Virginia’s law also including elderliness. Even though there has been great progress in combating housing discrimination, Ms. Reifenberger said it is important that they recognize that they need to vigilantly protect the ideals they believe in because housing discrimination affects members of the community.

Ms. Reifenberger noted that PHA works throughout the year to raise awareness and promotes compliance with fair housing laws through education sessions, public awareness ads, articles, partner meetings, events and displays, and also fields calls inquiring about fair housing. She said that through a partnership with the Regional Housing Directors Council, they will be providing fair housing children’s books to each of the elementary schools – which will be presented to the School Board. It is a great study with illustrations and discussion questions around the concept of fairness and welcoming community.

Mr. Kirk Bowers addressed the Board, stating that the Pantops shopping center and the trails organizations of the County are looking to develop the proposed new pump station location for the enjoyment of everyone in the area. If you put a pump station there, the citizens won’t be able to use it; they do not want it.

He also said that Plan 1 is the best redistricting option, with Plan 2 being divergent from the ideal population as shown in the staff report. Mr. Bowers added that the redistricting makes Rivanna in particular more Republican than they would like, and residents would like a more equal distribution. He asked the Board to vote for Plan 1.

Ms. Katie Chester, a resident of 1915 East Market Street, in the Woolen Mills area of the County, expressed her support for Option D of the new pump station proposals. Ms. Chester said that residents have been told before that technology would limit odors, but just two days ago when she was trying to read outside in her hammock she had to go back inside because it smelled so disgusting. She added that they are always playing catch-up, and it stinks. She said that she is upset to hear that the plans of one company may be put ahead of hundreds of people’s quality of life. Ms. Chester said that the citizens’ quality of life is being compromised right now, and what is there now would not currently be approved – so it seems that that situation is being taken advantage of. She emphasized that for this one issue everyone in the neighborhood is on the same side; no one wants Option A.

Mr. Karl Ackerman, a resident of 1611 East Market Street and Board member of the Woolen Mills Neighborhood Association, said that the new facility would be brand new and built from the ground up, and the idea of grandfathering the station into this spot is “to punt this down the line.” This facility is in the wrong place. He stated that the upgrades are long overdue and the pump station should have been built much closer to RWSA, but it is really unfair to City and County residents to operate from the point of view that because there was a small station built there mistakenly there can now be a big one. Mr. Ackerman emphasized that the neighbors and City Council are united on this issue, and they are not going to go away. They will do everything to see that it is built in the right place although it will still be in their backyards.

Mr. Bill Emory addressed the Board, stating that Option A would locate the 53-mgd facility in a regional park, in a neighborhood in the floodplain, next to a national historic district. He said that he suggested to the RWSA Board last month that staff find a comparable plan – one that locates a plant similarly – and if they are able to find a plan, let residents visit it. Mr. Emory encouraged the Board to question the possibility of Option A in light of the vision of the 1998 Rivanna Roundtable Report. He stated that if the practice of locating a sewage pumping plant of this magnitude in a park, in a neighborhood, and in a floodplain, is not done, let’s not be the first locality to do it. He asked that the plant be located as far as possible from this invaluable Rivanna gateway and from places of human habitation.

Ms. Robin Haynes, a resident of 1709 East Market Street, said that she walks by the pumping station twice a day and is not imagining odor, and in walking it with a staff member they could both smell it. She said that she has identified the odor as coming from the vent from the scrubbers. She said that she obtained 53 signatures in three days from people emphatically agreeing with me. Ms. Haynes stated that no matter how airtight the giant building is, there will still be smells. It should not be a valid option to put this machinery in any neighborhood. The location of Option D has a cliff above it – with State Farm above that. She said that the area is still above the floodplain, which helps with the problem of the generator. Ms. Haynes emphasized that Option A compromises jeopardizes the quality of life of a neighborhood and a popular park. The neighborhood has already put up with this misplaced pumping station.

Ms. Clara Belle Wheeler, a resident of Stony Point Road, said that it would be helpful to have redistricting plans available when discussing it with the public. Ms. Wheeler said that it is important to

have districts and precincts where people with like needs and interests vote in contingencies to help each other, and separating them into strange distributions of voting areas does not serve that purpose. There are plans throughout the Commonwealth and in Albemarle County that give emphasis to gerrymandering. She stated that cost is also a consideration, and redoing precincts for voting is an expensive proposition in terms of paying election officials, buying new voting machines, drawing lines, and signage. Ms. Wheeler asked the Board to consider those items when considering redistricting. There needs to be cohesiveness in the voting districts so that the representatives represent the people of their district.

Ms. Mallek clarified that there would be a full public hearing on redistricting held in May, and this work session is to determine which plan to take forward.

Ms. Elizabeth Haire, a resident of 1750 Sourwood Place, encouraged the Board to vote for Plan 1 of the redistricting plans. She said that she has worked the Hollymead precinct polls for the last 15 years. Ms. Haire said that the County has an extraordinary record of voter turnout, and Plan 2 will negatively affect the number of voters who get to the polls as it trades voter turnout for political purposes. She stated that splitting Keswick into two supervisors is expensive, unfair, geographically unjustifiable and basically wrong.

Mr. Neil Williamson, of the Free Enterprise Forum, said that later today the Board will be considering the Community Development's work plan. In 2003 there were very good discussions regarding critical slopes and adjusting the ordinance. Last night the Commission had a very contentious public hearing about a critical slope's ordinance. There were issues not really related to critical slopes that were part of that discussion. He encouraged the Board to consider putting the critical slopes ordinance revisions into the Community Development work plan.

Mr. Robert Kusk said that he was present to discuss Consent Agenda Item #7.2. He is concerned that his family's pet pigs are in violation of the County Code and that an agricultural animal cannot be a valid member of a household. He said that there is nearly unanimous neighborhood support for his animals, with endorsement from the Ednam Forest Homeowners' President and letters of support from many others – including the curator and senior historian of Monticello. Mr. Kusk commented that he hopes there will be further discussion of the issue toward the urban agricultural initiative.

Ms. Victoria Dunham, President of the Woolen Mills Neighborhood Association, said she has lived in Woolen Mills for about 18 years, most of the time in the County. She commended Ms. Mallek on her willingness to listen before she makes a decision. Ms. Dunham stated that if any Board members had experienced what those residents had, they would not be laughing. She added that Mr. Frederick has been responsive and done a good job in listening to the residents, but it took her 14 years to get the composting facility move, noting that it was discovered to be the only facility of its kind within human habitation on the East Coast. Ms. Dunham stated that ultimately, residents presented a Duke University study on the effect of particulates on people living that close. She said that if Board members had spent one year in their shoes they would understand their mistrust. There is a good reason they will not find a facility of this size in a floodplain, in a park, in a residential neighborhood and in a historic district anywhere in the United States. In addition, there has been a lot of misinformation presented. She added that the County owns that land across the River – not State Farm. She does not think that land would be developed by the shopping center. There are many more options for moving the pumping station along that area if it is put across the River. She asked that they go to where there are more options; it is not going to be anywhere near where people live. It is going to be much closer to the residents and their homes than anyone on Pantops.

Ms. Cynthia Neff, a resident of Pritchett Lane, in the Rivanna District, said that she has been concerned with the redistricting discussion happening around the state. She said that Plan 1 makes sense. Ms. Neff said that there is obviously gerrymandering happening with the plan that splits Keswick, and she wonders what the purpose of that plan is and who put it on the table. She said that there is no reason to take out Keswick just to merge Glenmore into the Rivanna District. She asked that the Board support Plan 1.

Agenda Item No. 7. Consent Agenda.

Mr. Rooker asked if people who had spoken on transportation issues (Stony Point Pass and Sunset Avenue) were planning to stay for the VDOT discussion. (Note: There was nodding from the audience.)

Mr. Thomas asked if the Sunset Avenue project would be a City or County project.

Mr. Davis suggested the Board take action on the consent agenda and then discuss these issues later.

Motion was offered by Mr. Boyd, **seconded** by Mr. Rooker, to approve Consent Agenda Items 7.1 through 7.8, with the exception of Item 7.2 (discussion included under that agenda item), and to accept the remaining items as information. Roll was called and the motion carried by the following recorded vote:

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

Item No. 7.1. Approval of Minutes: November 5(A), December 15(A) and December 21(A), 2010.

Mr. Snow had read the minutes of November 5, 2010 and found them to be in order.

Ms. Mallek had read the minutes of December 15, 2010 and found them to be in order.

Mr. Dorrier had read the minutes of December 21, 2010 and found them to be in order.

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

Item No. 7.2. Citizen Proposed Resolution of Intent to Amend the Zoning Ordinance to Allow Domesticated Pigs in Residential Districts.

The executive summary states that this issue arose after Zoning staff received a complaint about two "pet pigs" on the applicant's private residential property (zoned R1) in the County. The applicant obtained the American Guinea Hogs from out of state, after significant research about an appropriate companion animal for the family. The Zoning Ordinance does not distinguish domesticated pigs from agricultural swine. Because swine are only allowed in the Rural Areas and Village Residential districts where agriculture is permitted by-right, Zoning issued an official determination of zoning violation. The applicant, Mr. Robert Kusyk, appealed that determination and submitted a request for an ordinance amendment to allow domesticated pigs as pets in the residential districts (Attachment A).

Zoning and Animal Control staff met with the applicant to discuss concerns about his proposed ordinance amendment. The applicant wishes to pursue a Zoning Ordinance amendment to allow pet pigs in residential districts, notwithstanding staff's recommendation for denial.

Community Development staff recognize that the issue of urban agriculture is timely and worthy of further exploration during the County Comprehensive Plan review and update. Staff suggests that the proposed zoning text amendment is premature until further study can occur regarding urban farming and other types of agricultural animals, such as goats, chickens and ducks.

In its research of this proposal, the Animal Control Unit found several potential negative effects on the community (See Attachment B):

1. Diseases – Pigs harbor parasites and diseases that can be transferred to humans. Vaccines are not available for all of these dangers and domestic pigs are not regulated.
2. Destruction – Pigs have razor-like teeth and the males have tusks. Unrestrained pigs can damage vegetation, habitat and personal property. Pigs can be territorial and aggressive when they feel threatened by people or pets. They are difficult to contain and often escape their enclosures. Pigs are herd animals and will roam, especially when a female is in heat. Free-roaming pigs can quickly become feral because they easily adapt to their surroundings.
3. Environmental – Pigs create an unpleasant smell and excrete high levels of nitrogen into the soil and water.
4. Difficulty for Animal Control – Pigs are difficult to capture, often requiring the aid of a trapper or experienced pig handler. Their size and weight make them difficult to contain and transport in animal control trucks. Storage and housing are not available. Pigs' owners rarely reclaim them and often abandon them when they become too large.
5. Proliferation – Most pigs are not neutered or spayed and start breeding at 3 months of age. Females can have large (9-14 piglets) and frequent (3 times a year) litters.

In summary, there are numerous unresolved concerns about allowing domestic pigs in residential districts. Staff believes that regulations to address the above concerns would have to be researched and considered as part of an ordinance amendment. The Animal Control Unit is already at its capacity dealing with the current animal-related issues in the County. Staff cannot identify an overwhelming public purpose for this ordinance amendment that would outweigh both these concerns and the impact on the workload of the Animal Control Unit.

If an ordinance is adopted to allow keeping of pigs in residential districts, staff anticipates the necessity of some type of zoning permitting process. Administration and enforcement of the permit would have an impact on Zoning staff; although the extent of that impact is difficult to estimate. Zoning enforcement staffing is currently at a 57% reduction, and zoning complaints so far this year, with three Code Enforcement Officers (CEOs) on staff, is at the same level as Zoning experienced when there were five CEOs.

The Animal Control Unit is currently at its capacity to cover the entire County with four (4) officers. (A fourth officer was recently added to cover the existing workload). While staff cannot estimate the specific workload impact, it is staff's opinion that adoption of this ordinance would increase the workload of the Animal Control Unit. Dealing with a call about a domestic pig, especially if it must be captured, requires more than one officer to respond, as well as the need for trapping equipment and holding facilities, which the Animal Control Unit does not currently have.

Staff recommends that the Board deny the request for a resolution of intent and defer any further consideration of this issue and any related issues to the Comprehensive Plan review. However, if the Board wishes to pursue the request sooner, staff recommends that the Board prioritize this request in the Community Development Work Plan and provide staff adequate time to further research the relevant issues prior to scheduling a Board work session.

Mr. Boyd said that he needs some clarification on this item. His understanding is that the Board will not move forward with this if the consent agenda is approved.

Ms. Mallek asked if this issue could be incorporated as part of the urban agriculture discussion of the Comprehensive Plan review.

Mr. Davis responded that it would not be moved forward at this time, but would be incorporated as part of that discussion.

Mr. Thomas asked why it just applies to pigs. Mr. Davis explained that the resolution of intent proposed only addressed that issue, but staff is stating that it is a larger issue – as the applicant recognizes – pertaining to urban agriculture and best addressed in the Comp Plan review.

Ms. Amelia McCulley, Zoning Administrator, confirmed that it would involve other livestock in terms of urban agriculture, as well as community gardening.

Mr. Snow asked if the Board's action would shut the door on the applicant being able to have their pet pigs or would it come back as an amendment.

Ms. McCulley responded that it would be delayed until it is addressed as part of the Comp Plan review. The pig owners have already received a notice of violation. She said that the only option they have is to appeal to the BZA or relocate the pets temporarily until the matter is addressed in the Comp Plan.

Mr. Davis said if the pigs are in the County they would have to be relocated to a rural area zoning district.

Mr. Snow said that he would like to remove this item from the Consent Agenda and vote on it separately.

Item No. 7.3. FY2011 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.

With the exception of appropriation #2011073, which moves funding within the FY 2011 budget, the total of the requested FY 2011 appropriations itemized below is \$419,875.66. 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 five (5) FY 2011 appropriations as follows:

- Two (2) appropriations (#2011070 and #2011072) totaling \$42,148.46 for various School Division programs;
- One (1) appropriation (#2011071) totaling \$187,727.20 to reappropriate funding for the purchase of replacement vehicles for the Police Department;
- One (1) appropriation (#2011073) totaling \$3,000.00 from the Board's contingency reserve to fund expenses associated with the 2011 Prisoner Reentry Summit to be held in April 2011. This appropriation will not increase the total County budget; and
- One (1) appropriation (#2011074) totaling \$190,000.00 in Safe Routes to Schools Grant funding from the Virginia Department of Transportation for an extension of the Crozet North Sidewalk improvements.

Staff recommends approval of the budget amendment in the amount of \$419,875.66 and the approval of Appropriations #2011070, #2011071, #2011072, #2011073, and #2011074.

Appropriation #2011070		\$40,294.95
Revenue Source:	Local Revenue	\$ 7,000.00
	State Revenue	\$ 20,830.00
	Federal Revenue	\$ 12,464.95

This request is for the following three School Division grants appropriations:

Albemarle County Schools has been awarded an additional \$12,464.95 for Migrant Education Programs (MEP) under a United States Department of Education (USED) Literacy Education and Reading Network-

2-Succeed (LEARN-2-Succeed) Consortium Incentive Grant (CIG). The mission of the Migrant CIG is to provide teachers with tools for quickly assessing and providing supplemental research-based lessons to Migrant students in order to improve their foundational literacy skills. Educators use the website to quickly identify individual student literary needs and access instructional lessons designed to improve specific literacy skills in support of the Division's strategic plan. The Migrant CIG supports the assessment of literacy skills needs and the provision of supplemental tutoring.

Albemarle County Schools has been awarded a grant from the Commonwealth of Virginia Department of Housing Community Development in the amount of \$20,830.00. The GED and Beyond Grant will provide individuals who are close to completing their GED, and those who have recently received a GED, the opportunity to participate in Employability Skills and Access to Career Pathways Workshops. These workshops will be held at the Virginia Workforce Center in the afternoon and Albemarle High School in the evening. The workshops will focus on supporting clients' successful transition into employment and/or into higher education or licensure programs. The workshops will include speakers from local employers, the Virginia Workforce Center, CATEC, PVCC, and UVA. Students will develop resumes, cover letters, and thank you letters as a part of the workshop series and will participate in mock interviews with Human Resources representatives from local companies. All participants will have the opportunity to utilize technology to search for job openings, apply for positions, and participate in on-line registration for courses in higher education.

Albemarle County Public Schools has been awarded a grant in the amount of \$7,000 from Charlottesville Area Community Foundation for the Families in Crisis Program. The mission of the Families in Crisis Program is to provide an effective structure to meet the needs of homeless students, whose families are in crisis, ensuring they receive equitable access to Division services in support of the Division's strategic plan. The Families in Crisis Program supports the following major programs and/or services: tutoring, transportation to the school of origin, counseling, collaboration with schools, assistance with school registration and collaboration with service agencies.

Appropriation #2011071 **\$187,727.20**

Revenue Source: Fund Balance (Vehicle Replacement Fund) \$ 187,727.20

This request reappropriates \$187,727.20 in fund balance from the Vehicle Replacement Fund to provide funding for Police replacement vehicles which were approved in FY 09/10. Although this process was initiated towards the end of FY 09/10, due to the timing of the purchase and receipt of these vehicles, this expense was charged in FY 10/11.

Appropriation #2011072 **\$1,853.51**

Revenue Source: Local Revenue \$ 1,853.51

This request is for two School Division appropriations:

First, this request is to appropriate a donation received by Stone Robinson Elementary School in the amount of \$100.00. This donation was made in memory of Jeanette and T. R. Fuller, parents of Mike and Kathy Fuller. Kathy Fuller is a teacher at Stone Robinson Elementary. The donor requested that the memory of Jeanette and T.R. be honored by this donation to Kathy's school. Their contribution will be used to purchase any instructional supplies needed at Stone Robinson Elementary.

Second, this request is to appropriate a donation that Henley Middle School received in the amount of \$1,753.51 from Henley's Parent and Teacher Support Organization. The donor has requested that their contribution be used to help fund the "Enrichment Time before 9" program for the months of December 2010 and January 2011 at Henley Middle School.

Appropriation #2011073 **\$0.00**

Revenue Source: Board Contingency Reserve \$3,000.00

This appropriation provides \$3,000 from the Board of Supervisors' Contingency Reserve to fund costs associated with the 2011 Prisoner Reentry Summit to be held in April 2011. The purpose of the Summit is to promote awareness, provide education and training, and facilitate improved coordination of reentry services to prisoners and ex-offenders in the community. This request was brought before the Board at its March 9, 2011 meeting, at which time the Board directed staff to prepare an appropriation for this amount and purpose. This appropriation will not increase the total County budget.

Appropriation #2011074 **\$190,000.00**

Revenue Source: State Revenue \$190,000.00

This request appropriates a total of \$190,000.00 in grant revenue received by the Virginia Department of Transportation. VDOT awarded the County a Safe Routes to Schools Grant for an extension of the Crozet North Sidewalk improvements. This improves walking and bicycling routes to Crozet Elementary School for students from residential neighborhoods by funding the design and construction of curb and sidewalk on the west side of Crozet Avenue from Ballard Drive to the school. The improvements also include installation of a manually activated crosswalk warning system at the pedestrian crossing to the school. The grant will be administered by the Office of Facilities Development. There is no match required.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$419,875.66 and the approval of Appropriations #2011070, #2011071, #2011072, #2011073, and #2011074.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2011070
DATE 4/6/2011
BATCH# _____

EXPLANATION: School Board Meeting - February 3, 2011

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3173	33000	330073	REVENUE MIGRANT CONSORTIUM INCENTIVE GRANT	J 2	12,464.95		
1	3173	61101	132100	P/T WAGES TEACHER	J 1	11,579.15		
1	3173	61101	210000	FICA	J 1	885.80		
	3173		0501	EST. REVENUE			12,464.95	
			0702	APPROPRIATION				12,464.95
2	3222	24000	240322	REVENUE GED & BEYOND	J 2	20,830.00		
1	3222	61101	111400	SALARIES-OTHER MANAGEMENT	J 1	3,358.00		
1	3222	61101	132100	P/T WAGES TEACHER	J 1	9,819.00		
1	3222	61101	210000	FICA	J 1	1,008.00		
1	3222	61101	221000	VRS	J 1	320.00		
1	3222	61101	231000	HEALTH INSURANCE	J 1	304.00		
1	3222	61101	232000	DENTAL INSURANCE	J 1	11.00		
1	3222	61101	241000	GROUP LIFE INSURANCE	J 1	10.00		
1	3222	61101	540200	LEASE/RENT BUILDINGS	J 1	6,000.00		
	3222		0501	EST. REVENUE			20,830.00	
			0702	APPROPRIATION				20,830.00
2	3304	18000	189900	REVENUE FAMILIES IN CRISIS GRANT	J 2	7,000.00		
1	3304	61101	21000	FICA	J 1	153.00		
1	3304	61101	132100	P/T WAGES TEACHER	J 1	2,000.00		
1	3304	61101	579001	HOUSING ASSIST. PAYMENTS	J 1	1,500.00		
1	3304	61101	580004	MISC EXP-HOMELESS	J 1	2,347.00		
1	3304	61101	601300	EDUC. & RECREATIONS SUP	J 1	1,000.00		
	3304		0501	EST. REVENUE			7,000.00	
			0702	APPROPRIATION				7,000.00
TOTAL						80,589.90	40,294.95	40,294.95

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2011071
DATE 4/6/2011
BATCH# _____

EXPLANATION: Reappropriation - Vehicle Replacement Fund

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9200	31013	800500	Motor Vehicles	J 1	187,727.20		
2	9200	51000	510100	Appropriation - Fund Balance	J 2	187,727.20		
	9200		0501	Est. Revenue			187,727.20	
			0701	Appropriation				187,727.20
TOTAL						375,454.40	187,727.20	187,727.20

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2011072
DATE 4/6/2011
BATCH# _____

EXPLANATION: School Board Meeting - February 24, 2011

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J 2	1,853.51		
1	2210	61101	601300	Ed/Rec Supplies	J 1	100.00		
1	2252	61101	160300	Stipends-Instructional	J 1	1,628.90		
1	2252	61101	210000	FICA	J 1	124.61		

	2000		0501	EST. REVENUE				1,853.51	
			0702	APPROPRIATION					1,853.51
TOTAL							3,707.02	1,853.51	1,853.51

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2011073
DATE 4/6/2011
BATCH# _____

EXPLANATION: 2011 Prisoner Rentry Summit

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000				J	1	3,000.00	
1	1000	95000	999990	BOS Contingency	J	1	(3,000.00)	
TOTAL							0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2011074
DATE 4/6/2011
BATCH# _____

EXPLANATION: VDOT Safe Routes to Schools Grant: Crozet Ave North Sidewalk Improvements

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9010				J	2	190,000.00	
3-9010- (New Code)								
1	9010	41350	950514	Sidewalk-Crozet Ave North	J	1	190,000.00	
4-9010-41350-441200-950514-9999 (New Code)								
TOTAL							190,000.00	0.00

Item No. 7.4. FY11 Second Quarter Financial Report.

The executive summary states that the attached Financial Report provides information on the County's General Fund operations and Fund Balance as of December 31, 2010. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

(\$ in Millions)

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to total \$211.951 million, \$1.414 million (0.7%) more than appropriations of \$210.537 million. Combined with the use of \$2.392 million in transfers from other funds and \$0.806 million in fund balance, Revenues, Transfers, and Use of Fund Balance will total \$215.149 million, \$1.080 million (0.5%) more than Budget.

Recent economic data continues to point toward moderate growth. Both consumer and business confidence has improved. GDP grew 2.8% in the fourth quarter of 2010. This marked the sixth consecutive quarter of growth since the recession officially ended in June 2009. Employment has improved. Initial claims for unemployment have decreased. The Conference Board's index of leading indicators rose for the sixth consecutive monthly increase. The Virginia Leading Index rose for its second consecutive monthly increase. Virginia sales tax continues to grow as consumers cautiously increase discretionary spending.

Following is a brief revenue analysis for the FY11 fiscal year:

- Real Estate Tax revenues are projected to be \$0.801 million (0.7%) less than Budget, a decrease of \$0.367 million from the previous Financial Report. The FY11 Budget was based on negative 0.50% 2011 tax year reassessment rate. The final 2011 tax year reassessment rate was a negative 1.24%. A Tax Year is equivalent to a calendar year. Its effects are realized over 2 consecutive fiscal years with the 1st half in one fiscal year and the 2nd half in the next fiscal year. A 1.0% change in the reassessment rate is equivalent to \$1.316 million in real estate tax revenues for the 2011 tax year.
- Personal Property Tax revenues are estimated to exceed Budget by \$0.049 million (0.3%), a decrease of \$0.120 million from the previous Financial Report. The immediate impact of the Cash for Clunkers program has faded out over time.
- Delinquent Property Taxes & Fees are estimated to exceed Budget by \$0.422 million (18.1%), an increase of \$0.126 million over the previous Financial Report.

Additional compliance enforcement through the DMV Stop and Department of TAX Set-off Debt programs has generated additional revenues. Delinquent fees previously implemented have also encouraged payment of delinquent taxes to avoid additional fees.

- Sales Tax revenues are estimated to exceed Budget by \$0.930 million (8.4%), an increase of \$0.100 million over the previous Financial Report. The overall impact is due to both increased consumer purchases as well as our auditor findings. Taxpayers continue to be cautious but have begun to slightly increase discretionary spending as the economy improves. The auditor has identified \$0.724 million in misallocated sales tax revenues which have been approved by the state to be transferred to Albemarle from other localities over a six month period with an additional estimated \$0.293 million in process. On-going annual receipts should increase approximately \$0.287 million based on the approved adjustments. Significant revenues continue to be lost to internet purchases and consumer purchases in adjacent localities.
- Business License, BPOL, revenues are estimated to exceed Budget by \$0.114 million (1.2%), a \$0.153 million decrease from the previous Financial Report. BPOL revenues are based on gross receipts for the previous year which usually lag current sales tax revenues by a year.
- Utility Tax revenues are estimated to exceed Budget by \$0.247 million (2.7%), an increase of \$0.178 million over the previous Financial Report. The increase is due to anticipated additional revenues resulting from recent cold winter conditions.
- Food and Beverage Tax revenues are estimated to be \$0.350 million (6.2%) less than Budget, a \$0.143 million decrease from the previous Financial Report. Consumers are continuing to eat more at home and visiting restaurants less frequently.
- Other Local Revenues are estimated to exceed Budget by \$0.131 million (2.5%), an increase of \$0.115 million over the previous Financial Report. We are beginning to see additional development revenues as recent fee increases have been implemented.
- State Revenues are estimated to exceed Budget by \$0.446 million (2.0%), a \$0.052 million decrease from the previous Financial Report. The excess over Budget is due to additional funding for constitutional offices approved by the General Assembly subsequent to approval of this Budget as well as increased reimbursements for DSS services.
- Federal Revenues are estimated to exceed Budget by \$0.242 million (5.5%), an increase of \$0.166 million over the previous Financial Report. The increase is primarily due to increased reimbursements for DSS services.
- Uses of Other Funds transfers are estimated to be \$0.334 million (12.2%) less than Budget, an increase of \$0.025 million over the previous Financial Report. The number of School Resource Officers has been reduced to 3.
- Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.

b. Expenditures:

General Fund expenditures, including transfers, are expected to total \$211.722 million, a 1.1% savings of \$2.347 million from Budget. The savings include frozen positions, reduced health care expense, VRS savings, additional Police salary lapse, and release of the revenue shortfall contingency.

- i. Departmental expenditures are expected to total \$78.869 million, a 1.6% savings of \$1.262 million from Budget: The savings are allocated by functional area as follows:
- Administration expenditures are expected to total \$10.394 million, a savings of \$0.098 million.
 - Judicial expenditures are expected to total \$3.790 million, a savings of \$0.124 million.
 - Public Safety expenditures are expected to total \$28.869 million, a savings of \$0.522 million.
 - Public Works expenditures are expected to total \$4.390 million, a savings of \$0.140 million.
 - Human Services expenditures are expected to total \$18.992 million, a savings of \$0.246 million.
 - Parks and Culture expenditures are expected to total \$6.214 million, a savings of \$0.036 million.

- Community Development expenditures are expected to total \$6.221 million, a savings of \$0.096 million.
- ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds are expected to total \$19.816 million, a savings of \$1.085 million including release of the revenue contingency reserve.
- iii. Transfers are expected to equal Budget at \$113.037 million:
 - Transfer to the School Division is expected to be \$96.058 million.
 - Transfers to the Capital and Debt funds are \$16.979 million.
- c. Revenues less Expenditures:
This report projects that the fiscal year will end with \$3.427 million of revenues in excess of expenditures. Revenues and related transfers are projected to exceed Budget by \$1.080 million. Expenditures and related transfers are expected to produce \$2.347 million in savings.

B. Attachment B: General Fund Budget Comparison Report:

The chart report tracks changes in revenues and expenditures over time.

Revenues:

- Personal Property Tax, Sales Tax, Utility Tax, Other Local Revenue, and Federal Revenue show positive growth over FY10.
- Real Estate Tax, Business License, Food and Beverage Tax, Other Local Taxes, State Revenue, Transfers from Other Funds, and Use of Fund Balance show decreases from FY10.

Expenditures:

- Administration, Judicial, Public Safety, Public Works, Human Services, Parks & Culture, Community Development, and Non-Departmental expenditures show anticipated increases over FY10.
- Non-School and School Transfers show anticipated decreases from FY10.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Had an Audited FY10 Undesignated Fund Balance of \$24.56 million,
- Appropriated \$0.807 million for Budgeted FY11 Initiatives and Reappropriations,
- Has a remaining June 30, 2010 Fund Balance of \$23.759 million,
- Has no proposed FY11 commitments,
- Has Policy required reserves of \$20.905 million, and
- Has available funds of \$2.854 million as of June 30, 2010.

The \$20.905 million Policy reserve consists of the 8% net General Government and School Operating Budget requirement. It does not include the estimated \$2.613 Revenue Stabilization reserve which has not been formally adopted by the Board of Supervisors. It is anticipated that the policy with specifics will be presented to the Board for discussion and approval in late summer or early fall. Had the Policy been adopted, the June 30, 2010 available Fund Balance would be \$0.241 million.

D. Budget Impact:

This Financial Report is based on audited FY10 financial data and six months of financial data for FY11. Staff has utilized these figures as the basis for the FY12 Budget.

This report has been prepared for your information. No action is required.

By the above-recorded vote, the Board received the FY11 Second Quarter Financial Report.

Item No. 7.5. Update on Regional Cooperation Committees: Departments of Social Services and Fire/Rescue, and to Review the Revenue Sharing/Annexation Agreement and Local Composite Index.

The executive summary states that at the conclusion of the April 24, 2010 City/County meeting convened by Delegate David Toscano to discuss regional cooperation, the Albemarle County Board of Supervisors and Charlottesville City Council agreed to further evaluate the possible consolidation of their Departments of Social Services and Fire/Rescue as well as consider the Revenue Sharing/Annexation Agreement & Local Composite Index. Subsequent to this meeting, the City Manager and County Executive formed committees to evaluate the Departments of Social Services and Fire Rescue and worked with both School Superintendents to establish the Revenue Sharing/Annexation Agreement & Local Composite Index Committee.

Both the Fire/Rescue and Department of Social Services committees were charged with exploring the consolidation of City/County Departments, thereby yielding "increased level of services in both jurisdictions at the same cost or providing the same level of service at a lower cost to the taxpayers of both jurisdictions", a key working principle established by Delegate Toscano for the April 24th City/County meeting. The purpose of the Revenue Sharing/ Annexation Agreement & Local Composite Index committee was to examine the history of the Revenue Sharing/ Annexation Agreement, review the Local

Composite Index and its impact on the school systems and determine if common ground can be reached on the lingering concerns over both agreements.

This report provides the Board of Supervisors with summary reports from both the Fire/Rescue and Social Service subcommittees and a review of the work completed by the Revenue Sharing/Annexation Agreement & Local Composite Index committee.

Departments of Social Services

Prior to convening a committee to evaluate the consolidation of the Departments of Social Services, staff presented to the Board background material and a list of challenges such a measure could create for the County at the Board's July 7, 2010 meeting, after which the Board of Supervisors:

- Concurred with the concept of the County Executive convening a meeting with City and County staff to review the information presented in the July 7, 2010 Executive Summary and discuss the challenges consolidation will pose to both jurisdictions.
- Concluded that while it would be good to meet and review this matter with the City, the obstacles to achieving consolidation are numerous and therefore may not merit moving forward with further evaluation.

The City/County committee, consisting of Councilors Huja and Edwards and Board members Dorrier and Snow, as well as Mike Murphy, Diane Kuknyo, Bryan Elliott and Kathy Ralston, met on August 16, 2010 and January 10, 2011. Based upon the research and material reviewed by the committee, the consolidation of the two Departments was determined to be not viable; however, the committee makes the following recommendations to the Board of Supervisors and City Council:

- Continue to seek further avenues of collaboration and partnership, and present opportunities for the elected bodies to support such endeavors.
- Provide opportunities to bring the advisory boards for the respective jurisdictions together to explore areas of collaboration.
- Explore the creation of dedicated personnel to the increasingly demanding area of emergency operations planning and preparedness.
- Share resources that allow for an effective response to the English as a Second Language (ESL) population.
- Provide opportunities for the elected bodies to join in their legislative efforts on matters that impact Social Services and related human services.

This committee's full report is found in "Attachment A."

Departments of Fire Rescue

This subcommittee, consisting of Councilors Brown and Edwards and Board members Mallek and Thomas as well as Aubrey Watts, Chief Charles Werner, Bryan Elliott, Chief Dan Eggleston and Chief Tim Cersley met four (4) times between June and December 2010. The purpose of the committee was to expand collaboration and cooperation between the Albemarle County Department of Fire/Rescue and Charlottesville City Fire Department to enhance the delivery of fire/rescue services to the citizens and visitors of both jurisdictions by building upon efforts launched by Chiefs Eggleston & Werner in the summer of 2009. Those efforts include:

- Create a joint technology Request for Proposals
- Continue to standardize policies, practices and equipment
- Coordinate business inspection programs
- Share resources for juvenile fire setter, public education, and investigation programs
- Establish an Incident Command Team to help manage significant events
- Further develop joint policies/programs for the Regional HazMat Team
- Conduct a regional hiring process
- Schedule additional joint continuing education programs for Fire and EMS
- Develop a Fire RMS knowledge sharing team
- Merge Fire/EMS incident dispatch and combined ECC operations

The committee concluded that consolidation of City/County Departments would not yield "increased level of services in both jurisdictions at the same cost or providing the same level of service at a lower cost to the taxpayers of both jurisdictions." The committee agreed to continue to meet and discuss matters of mutual concern on an ongoing basis.

This committee's full report is found in "Attachment B."

Revenue Sharing/Annexation Agreement & Local Composite Index

This committee was comprised of the following representatives from each locality:

Charlottesville

Dave Norris, Mayor
Kristen Szakos, City Councilor
Leah Puryear, School Board Chair
Ned Michie, School Board Member
Maurice Jones, Acting City Manager
Craig Brown, City Attorney

Albemarle

Ken Boyd, County Supervisor
Dennis Rooker, County Supervisor
Eric Strucko, School Board Vice Chair
Bob Tucker, County Executive
Tom Foley, Assistant County Executive
Larry Davis, County Attorney

This committee met on August 25, 2010 and at the conclusion of the meeting issued a joint statement indicating that future discussions related to this matter should focus primarily on the local composite index and its affect on the Albemarle and Charlottesville school systems. The committee further indicated that the next set of deliberations should occur largely between representatives of the two

school divisions, who were asked to provide regular progress reports to this committee. The full statement of the committee is found in "Attachment C."

While the committees formed to study the consolidation of City/County Departments of Social Services and Fire/Rescue found that consolidation would not yield "increased level of services in both jurisdictions at the same cost or providing the same level of service at a lower cost to the taxpayers of both jurisdictions" both acknowledge the extensive levels of cooperation and regional support between the jurisdictions. The cooperation displayed by both Fire/Rescue and Social Services, coupled with partnerships in such other areas as emergency communications, parks and recreation services, libraries, the airport, and joint jail/juvenile detention services provide citizens in both jurisdictions with cost efficient and effective core governmental services.

Staff recommends that the Board of Supervisors accept the findings of the attached reports regarding the Departments of Fire/Rescue and Social Services and in conjunction with City Council communicate these findings to Delegate Toscano. Regarding the Revenue Sharing/Annexation Agreement and Local Composite Index, the County Executive and City Manager have requested updates from their respective School Superintendents.

By the above-recorded vote, the Board accepted the findings of the reports regarding the Departments of Fire/Rescue and Social Services and in conjunction with City Council communicate these findings to Delegate Toscano.

Item No. 7.6. Resolution Urging Revenue Stream and Dedicated Revenue Source for the Intercity Passenger Rail Operating and Capital Fund.

By the above-recorded vote, and at the request of the Chair, the Board adopted the following resolution:

RESOLUTION URGING REVENUE STREAM AND DEDICATED REVENUE SOURCE FOR THE INTERCITY PASSENGER RAIL OPERATING AND CAPITAL FUND

WHEREAS, Virginia's first state-supported intercity passenger rail service between Lynchburg and Washington, DC and continuing to New York and Boston as an extension of Amtrak's Northeast Regional System began serving communities on Virginia's Piedmont Rail Corridor on October 1, 2009; and

WHEREAS, The Lynchburg-DC passenger train serves stations in Lynchburg, Charlottesville, Culpeper, Manassas, Alexandria and Fairfax County; and

WHEREAS, the Lynchburg-DC intercity passenger service has proven to be extraordinarily successful, achieving 253% of its first-year ridership goal and 246% of its first-year revenue goal in its first twelve months of operation; and

WHEREAS, the Lynchburg-DC train has provided mobility and access to convenient, reliable and affordable alternative transportation for over 126,000 Virginia passengers since it began service; and

WHEREAS, Amtrak has called the Lynchburg-DC train its "Best performing state-supported train in Amtrak's system in terms of cost recovery;" and

WHEREAS, the Lynchburg-DC train has contributed positively to the transportation system, economic well-being, economic development, business climate, tourism and quality of life of communities throughout the US29 Corridor from Danville to Northern Virginia; and

WHEREAS, it is vitally important to Virginia's citizens, businesses, universities, defense and tourism industries on the US29 Corridor that the Lynchburg-DC train continue to be operated and continue to grow, including extensions to Roanoke and Southwest Virginia; and

WHEREAS, the Lynchburg-DC train is operated under a three-year contract between the Commonwealth of Virginia and Amtrak in which the Commonwealth pays the direct operating costs of the service not covered by fare revenues attributable to Virginia passengers; and

WHEREAS, a second state-supported train between Richmond, VA and Washington, DC, also an extension of the Amtrak's Northeast Regional System, began service on July 20, 2010 and is also included in the three-year contract between Amtrak and the Commonwealth of Virginia where operating costs and revenues of all state funded trains are combined as one state-funded regional intercity passenger rail network; and

WHEREAS, according to DRPT Director, Thelma Drake, "A key challenge facing the new service is the availability of operating funds. Virginia has no dedicated source of state rail operating funds today. Governor McDonnell and the General Assembly authorized up to \$6.0 million in Rail Enhancement Funds to support operating costs through the Demonstration Period, but there is not sufficient funding identified beyond FY 2011;" and

WHEREAS, although the Rail Enhancement Fund has a dedicated source of funds in State Vehicle Rental Tax revenues, these funds can only be appropriated for the capital costs of rail projects and cannot

legally be used for passenger rail operations, and therefore there is no legal mechanism in the State Code to provide for the operating costs of intercity and high speed passenger rail; and

WHEREAS, Section 209 of the Federal "Passenger Rail Investment and Improvement Act" of 2008 (PRIIA) will require that in addition to the two state funded regional trains the state assume the operating and capital costs of four existing intercity corridor trains that are now funded by Amtrak but are not part of Amtrak's national routes, thus escalating the state's obligations to pay for intercity passenger rail services if these services are to continue; and

WHEREAS, the 2010 General Assembly passed Senate Joint Resolution 63 (SJ63) directing DRPT to evaluate potential state operating fund sources and to report back to the General Assembly before the beginning of the 2011 session; and

WHEREAS, the resulting report, "Funding Strategies for State-Sponsored Intercity and High Speed Passenger Rail" (Senate Document 14), submitted on November 23, 2010, outlined possible steps the Commonwealth could take to ensure the sustainability and stability of funding for existing and future expansions of state-supported passenger rail; and

WHEREAS, every transportation modality, including highways, transit, air transportation, ports and waterways requires public subsidies in order to pay the costs of construction, maintenance and operation; and

WHEREAS, continuing to support and expand intercity and high speed passenger rail in the Commonwealth is a key to Virginia's global competitiveness and continued prosperity; and

WHEREAS, the 2011 General Assembly passed legislation establishing an Intercity Passenger Rail Operating and Capital Fund in the State Code of Virginia for the purpose of providing the legal mechanism and conduit for any funds appropriated by the General Assembly for the purposes of providing for intercity passenger rail capital projects and costs of continued and expanded intercity passenger rail operations;

NOW THEREFORE BE IT RESOLVED, that the Albemarle County Board of Supervisors urges the Virginia Secretary of Transportation and the Commonwealth Transportation Board to establish a funding stream that provides for increased needs for funding existing and future state-supported intercity and high speed passenger rail operations and capital, (including and most urgently the existing state-supported Northeast Regional Services between Lynchburg and Washington, DC and its future extensions, and between Richmond and Washington, DC and its future extensions), as outlined in the SJ63 Report; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors urges Governor McDonnell, Secretary of Transportation Connaughton, Department of Rail and Public Transportation Director Drake and the Virginia General Assembly to work together to create a dedicated revenue source that is sustainable and will provide for the continuation and expansion of intercity and high speed passenger rail in the Commonwealth after review and consideration of potential funding mechanisms as described in DRPT's SJ63 Report, "Funding Strategies for State-Sponsored Intercity and High Speed Passenger Rail."

Item No. 7.7. Resolution to Accept Road(s) in West End at Western Ridge Subdivision into the State Secondary System of Highways.

At the request of the County Engineer, by the above-recorded vote, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of April 2011, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **West End at Western Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 6, 2011**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **West End at Western Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 6, 2011**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Park Ridge Court (State Route 1326)** from the intersection of Route 1250 (Park Ridge Drive) west to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3526, pages 280-300, with a 50-foot right-of-way width, for a length of 0.11 miles.
- 2) **Park Ridge Drive (State Route 1250)** from the intersection of Route 1326 (Park Ridge Court) southwest end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3526, pages 280-300, with a 60-foot right-of-way width, for a length of 0.02 miles.
- 3) **Park Ridge Court (State Route 1327)** from the intersection of Route 1250 (Park Ridge Drive) east to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3526, pages 280-300, with a 50-foot right-of-way width, for a length of 0.06 miles.
- 4) **Park Ridge Drive (State Route 1250)** from the intersections of Route 1258 and Route 1251 southwest to the intersection of Route 1326 (park Ridge Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3526, pages 280-300, with a 60-foot right-of-way width, for a length of 0.08 miles.

Total Mileage – 0.27

Item No. 7.8. Set public hearing for May 4, 2011 to consider an Amendment to County Code, Appendix A.1, Acquisition of Conservation Easements Program (ACE).

The executive summary states that the Acquisition of Conservation Easements (ACE) Committee is charged with reviewing the program's ordinance and recommending to the Board of Supervisors any changes needed to maintain the program's consistency with the County's Comprehensive Plan and policies, and/or to improve the administration, implementation and effectiveness of the program.

The ACE Committee has been reviewing the ACE Ordinance over the past two years, focusing on the effectiveness of the ranking evaluation criteria for identifying those properties most worthy of protection by a conservation easement.

As a result of its review, the Committee recommends the following changes to the ACE Ordinance:

- Require that any identified resource be protected – Under the current practice, if a resource is identified on a property, owners are required to protect that resource only if they elect to receive ACE ranking points during the evaluation process for having that resource. This owner election leaves open the possibility that an ACE easement could leave an identified resource unprotected. To fill this gap, the ACE Committee recommends that both the award of points and the protection of all identified resources be made mandatory. (§§ A.1-108(C)(1), (C)(3), and (C)(8); § A.1-109(B)(1), (B)(2), (B)(4), and (B)(5)) While this approach may deter some applicants, it sets a higher standard that will enhance the overall quality and value of ACE easements.
- Amend the ACE ranking criteria as follows:
 - Proration of ACE ranking points -- Clarify that ACE ranking points be prorated, as they are already required to be "rounded to the first decimal." (§ A.1-108)
 - Parcel size -- Increase the points awarded for parcels over 200 acres from 1 point per 50 acres over 200 acres to 2 points per 50 acres over 200 acres. (§ A.1-108(A)(2)) This recommendation is to reward larger properties that tend to cost less per acre so that the County can protect more acres per dollar.
 - Parcels threatened with forced sale -- Reduce the award of ACE ranking points from five to three for parcels threatened with forced sale. (§ A.1-108(B)(2))
 - Working family farms (§ A.1-108(C)(2))
 - Redefine "family member" in § A.1-103(A)(5) to clarify for which family members applicants may receive "working family farm" points, to encompass second cousins and closer relatives as family members.
 - Award one additional ACE ranking point for certified Virginia Century Farms, which have been in operation for at least 100 consecutive years.
 - Artifacts -- Remove the award of ACE ranking points for artifacts. ACE ranking points would still be awarded for sites of archaeological or architectural significance. (§ A.1-108(C)(4)) Unless the term "artifact" is defined more specifically, it may be too general and inclusive of a term, rewarding items that may not be significant.
 - Natural heritage/biodiversity -- Remove the award of ACE ranking points for mere proximity to an occurrence listed on the State Natural Heritage Inventory. (§ A.1-108(C)(5)) Since proximity to an occurrence could have little or no bearing on protecting it (depending on the type of occurrence), the Committee believed that this criterion was too vague and potentially ineffective, especially if the resource were on someone else's property.

- Ragged Mountain Reservoir Watershed -- Award ACE ranking points for parcels within the Ragged Mountain Reservoir Watershed. (§ A.1-108(C)(7)) This was inadvertently omitted from the original list of protected watersheds.
- Voluntary stream buffers – Outside of the identified watersheds and streams, owners would still elect whether to have voluntary stream buffers, and to receive ACE ranking points accordingly. For voluntary stream buffers, the ACE Committee is recommending that the buffer measurement requirements of the three designations for which ACE ranking points are awarded be rounded-up to the cut-off widths of 35, 50, and 100 feet wide, respectively. (§ A.1-108(C)(9))

The ACE Committee recommends the following changes to the Deeds of easement:

- Mountain resources – Clarify the correct name of the Mountain Design Standards in the Natural Resources and Cultural Assets Component of the Comprehensive Plan (§ A.1-109(B)(1))
- Dwellings along scenic highways or byways -- Clarify that on parcels fronting scenic highways or byways, dwellings may be located within 250 feet of the highway or byway only if the dwelling is not visible from the scenic highway or byway at any time of the year. (§ A.1-109(B)(2))
- Protected stream buffers -- Require stream buffers for any parcel awarded points for being located in a watershed or along a stream named in § A.1-108(C)(7). (§ A.1-109(B)(3))
- Dwellings along scenic rivers -- Clarify that on parcels fronting scenic rivers, dwellings may be located within 250 feet of the river only if the dwelling is not visible from the scenic river at any time of the year. (§ A.1-109(B)(4))
- Sites of archaeological or architectural significance -- Require that no site of archaeological or architectural significance under an ACE easement be razed, demolished or moved unless approved by the County and the PRFA. (§ A.1-109(B)(5))
- Voluntary stream buffers -- Require stream buffers where owners requested that the parcel be awarded ACE ranking points for having a voluntary stream buffer. (§ A.1-109(B)(6))

Funding for the purchase of ACE conservation easements comes from the Capital Improvements Program (CIP): Planning-Conservation fund (budget line-item 9010-81010-580409). The proposed amendments will not have a direct budget impact.

Staff recommends that the Board schedule a public hearing for May 4, 2011 to consider the proposed changes to the ACE Ordinance. (Attachment A).

By the above-recorded vote, the Board scheduled the public hearing for May 4, 2011 to consider proposed changes to the ACE Ordinance.

Item No. 7.9. EMS Cost Recovery Program Update, ***was received for information.***

The executive summary states that on September 9, 2009, the Board adopted an ordinance authorizing the County to charge fees for emergency medical service (EMS) vehicle transports provided by the Department of Fire and Rescue and any volunteer rescue squad that applied for and was issued a permit to charge fees. The Board directed staff to establish a billing system to be operable by February 1, 2010.

Soon after the Board's September 9, 2009 meeting, the County procured the services of Diversified Ambulance Billing (now known as Fidelis Billing) to act as the billing agent for the County and Scottsville Volunteer Rescue Squad ("SVRS"), the only volunteer rescue squad that applied for and was issued a permit to charge fees. The Board adopted a Resolution to establish fees for EMS transports on December 2, 2009. Staff and members of SVRS worked together to develop and implement an extensive public information plan to inform the public about the EMS Cost Recovery program. On February 1, 2010, ambulances stationed at Monticello, Hollymead, and Scottsville Volunteer Rescue Squad began billing for EMS transports.

On August 4th, 2010, staff provided an update to the Board on the EMS Cost Recovery program for the five months of billing in FY10. Staff's report addressed citizen feedback, administrative workload for SVRS and County staff, FY10 actual revenue, and FY11 revenue projections.

At the Board's request, staff is providing an update of the first year of billing (February 1, 2010 – January 31, 2011) as well as an updated revenue projection for FY11.

Citizen Feedback:

Staff continues to monitor customer feedback to ensure that the program is operating properly. Since the August 4, 2010 report to the Board, there have been only two inquiries reported to the Fire Rescue office; the first inquiry was related to an incorrect Medicare number and the other was a request for a copy of the signed transport form.

In addition, Fidelis began conducting customer satisfaction surveys, and as of this date, their customer service rating remains high. Fidelis has not received any complaints about Albemarle County's EMS billing program.

Administrative Workload:

On November 23, 2010, the County signed a new one-year contract with Fidelis. Last year, County and Scottsville ambulances moved from a paper based patient care report system to a computer based system. The paper-to-computer migration enabled the County to renegotiate better terms with Fidelis (collection fee was lowered from 6.5% to 6.0%) and County staff eliminated approximately 1-2 hours of processing time per week.

Report Data on First Full Year of Billing:

In February of this year, Fidelis provided staff with standard reports outlining performance of the County's billing system for the first full year of operation (2/1/10 – 1/31/11). Some of the highlights included:

1. **Billing Rates:** The initial billing rates set by the Board on December 2, 2009 (\$350 – Basic Life Support (BLS), \$450 – Advanced Life Support (ALS) 1, \$550 - ALS 2, and \$8.50/mile) were based primarily on rates no lower than the usual and customary costs allowed by private insurers and on rates set by surrounding localities.

Fidelis advised staff that the County rates are within the normal range, but should be monitored over the next year.

2. **Patient Payer Mix (the type of monies recieved):** Fidelis advised staff that the County patient payer mix is within the normal range: approximately 35% Medicare/2%Medicaid, 30% Private Insurance, 31% Private pay (no insurance) and 2% Military or Auto Insurance. Fidelis expects the Private Pay percent to decrease and the Private Insurance to increase as the final 5 months of collections come in from the first year (accounts are coded Private Pay until an insurance carrier is identified). The patient payer percentage should also increase as electronic billing moves to the point where Fidelis can collect all the data directly from the state systems, rather than relying on the hospital to provide information.
3. **Bad Debt Write Off Rate:** Fidelis advised staff that the County wrote off approximately 22% of the total billed the first year which was low compared to the first years of billing for Louisa, Orange and Culpepper Counties (which were between 34-48%). The low "Bad Debt Write Off Rate" is one indicator that our billing rates are within a normal range.
4. **Cash Collections as a Percent of Net Billable:** (amount of money collected after deducting the mandatory contractual adjustments from the insurance companies). As of January 31, the County collected approximately 57% of net billable. Fidelis advised staff that a 57% collection rate is satisfactory considering that additional revenue from the previous year will be collected over the next 5 months. Fidelis expects the County to ultimately fall within the 65% range. By comparison, Louisa, Orange and Culpepper were between 47-66% for their first year of billing.

In addition, Fidelis provided reports on several other aspects of the County's ambulance transports:

Number of transports:	2035 (1202 ACFR; 833 SVRS)
BLS/ALS:	51% of our transports were BLS; 49% were ALS
Hospital:	59% went to UVA; 41% went to MJH
Pick up location:	70% were transported from a residence; 30% were transported from a non-residence
ACFR/SVRS:	67% were in Hollymead or Monticello ambulances; 33% were in Scottsville ambulances (with both career and volunteer providers)

Top three reasons for transport:

13%	Abnormal Respiratory
11%	Chest Pain
9%	Syncope & Collapse

Hardship Waivers: 27 hardship waivers were requested and approved for \$9,186 (22 in FY10 and 5 in FY11)

Electronic Patient Care Reporting System

The Electronic Patient Care Reporting System continues to evolve. Staff and volunteers at Hollymead, Monticello and Scottsville are using laptops to capture patient care information. The information is transmitted electronically to the State Office of EMS and is assessable by Fidelis for patient billing. The next phase of the project includes incorporating hospital data along with patient care data. Once completed, collection rates should improve.

As of January 31, 2011 (one calendar year of billing) the County collected \$394,678 in revenue. Due to the lag time of two to six months for collection, that amount does not represent the total expected for the first 12 months. Most of the balance should be collected by June 30th and the final revenue figure should be closer to \$500,000 for the first full year of billing.

The revenue budgeted for FY11 is \$444,500. This estimate is based on the anticipated collection rate for the first full calendar year of billing.

This update is presented for the Board's information only, no action is required.

Item No. 7.10. Albemarle County Service Authority Quarterly Report, ***was received for information.***

The following memorandum dated March 28, 2011, was received from Mr. Gary B. O'Connell, Executive Director, ACSA:

"We are sending this update on Albemarle County Service Authority (ACSA) issues of interest to the Board of Supervisors. I unfortunately will be out of town for your Board meeting and not able to personally attend.

Below are some highlights of current items for the ACSA:

- FY 2012 Budget and Water and Sewer Rates: We are completing our budget and rate calculations. They will be publicly presented to the ACSA Board at our April 21st meeting, with adoption of the budget and rates at the June 16" meeting. As you are aware over 2/3 of our budget is based on the wholesale water and wastewater rates of the Rivanna Water and Sewer Authority (RWSA), which gets reflected in the retail rates we charge our customers.
- North Fork Regional Pump Station and Sewer Line Project: Work is well underway for this project that will serve the future sewer needs of development in the northern 29 section of Albemarle County. This is a \$10.5 million project that will replace the outdated Camelot Wastewater Treatment Plant with two new pump stations and sewer force main lines. The sewer line clearance work has begun north of 84 Lumber towards the current Camelot site which is where the major pump station for the area will be located.
- Ragged Mountain Earthen Dam: We are very involved in helping advance this project to construction. RWSA will be reporting out on the latest status of the work. It is a complex project with a host of permits and regulatory reviews, including a number by Albemarle County. We are reviewing a proposed property use agreement, and also continuing diligent work on a cost allocation plan for the City Council and the ACSA Board's consideration and adoption.
- FY 2012 Capital Projects: Our Capital Improvement Program (CIP) for next year proposes 23 projects at a total budget of \$10.5 million. Most of these are an extension of existing projects that cannot be completed in one fiscal year. New projects on the horizon are upgrades to the water main lines in Scottsville, relocation of the water line in Shopper's World, upgrade to a water line on Jarman's Gap Road, and a new loop line connecting the Western Ridge water main with Foxchase. Some of the existing projects that will see work the next year will include: A major water line replacement project along St. George Avenue, Buck Road and Crozet Avenue in Crozet; improvements at the Ashcroft Water Tank and Pump Station; major water line replacements (Phase 2) in West Leigh (Williston-Emerson Drive area) and additional fire hydrants for improved fire protection; Berwick Road Water Main Replacement (loop connection with Ednam Drive); Hardware Street in Scottsville water line extension to connect the Stony Point Tank to the existing Hardware Street main water line; Buckingham Circle Water Main Replacement; complete design for Key West Water Main Replacement; continue our multi-year water line replacement program in Hollymead, Oak Hill sewer (CDBG funding assistance) for both a new 8" sewer main, and service lines to serve 58 households that now use septic fields; the second phase of the Crozet Sewer Rehabilitation; completion of the rehabilitation of sewer lines in the Meadow Creek Drainage Basin; Scottsville second phase sewer extension project on Clements Street; sanitary sewer study to remove infiltration and inflow (I/I due to wet weather rain events) in the Biscuit Run Drainage Basin; installation of the first of three phases for SCADA computerized remote reading controls for our pump stations, tanks and pressure reducing valve (PRV) vaults, all to prevent outages and get immediate alerts in our system.

These projects are scheduled for a public hearing at our April 21st Board meeting.

- Water System Redundancy Policy: At the last quarterly briefing, we had a discussion of what the ACSA is doing to provide system redundancy and reliability. Over a number of years, the ACSA has worked to prevent water service disruptions through the provision of back-up secondary water feeds through the creation of a series of loop water lines connecting our system.

I was asked about some of the projects that have been completed to build water system "redundancy," some of these projects include:

- West Leigh/Lewis Hill Water Extension: A large diameter main connecting an older subdivision (West Leigh) with a new one (Lewis Hill) to reinforce a much smaller existing connection between West Leigh and Meriwether Hills.
- Barracks Road Water Extension/Georgetown Loop: Two large water main extensions to create a loop to facilitate the filling of Stillhouse Mountain Tank and improve its "floating" on the water system.
- Jarman Gap Road/Route 250 West Connection: The creation of a large diameter loop to enhance fire protection at the Henley and Brownsville Schools and provide a parallel feed to the existing smaller diameter main that was a single feed from the center of Crozet to Route 250.

- Hollymead/Forest Lakes South/Forest Lakes North PRV Vaults: Master PRV vaults to allow these subdivisions to be served by either the South Rivanna Pressure Zone or the Piney Mountain Pressure Zone during emergencies.
- Forest Lakes North/Jefferson Village Connection: A water main connection from a new section of Forest Lakes North to the much older Jefferson Village Subdivision served at the end of a long single water main from Route 29.
- Avemore Water Extension: A water main extension from the eastern end of Avemore Apartments to the Fontana Subdivision to create a loop and lay the framework for creating an additional loop with Route 250 East with the extension of Olympia Drive in the Pantops area.
- West Leigh Water Main Replacement: In addition to replacing old and under-sized water mains, it created another connection with Lewis Hill Subdivision and with the Candlewyck Subdivision.
- Over-sizing Water Extension to Forest Springs: Increased the size of the privately installed water main to allow for the eventual establishment of a large diameter loop to reinforce the Hollymead Town Center and the Charlottesville-Albemarle Airport area.

Current projects we have underway to help create additional redundancy and reliability in our water system include the following seven projects:

- Buckingham Circle Water Replacement: Primarily replaces old and under-sized water mains, but it will provide a connection point for a future tie-in to another pressure band to allow for alternative service to this isolated subdivision.
- Berwick Road Water Main Replacement: Besides replacing a deteriorating water main it creates a loop with Ednam Drive, reinforcing the northern end of the subdivision.
- West Leigh Water Main Replacement Phase 2: In addition to replacing old and undersized water mains it creates a loop around the lake between Williston and Emerson Drives, thereby reinforcing an interconnection with the neighboring subdivision of Meriwether Hills.
- Hardware Street Water Main Extension: Provides a secondary feed to downtown Scottsville.
- Arden Place Water Extension: In conjunction with requiring an oversized main in this proposed private development it will create an interconnect between two major transmission mains in the Community Water System.
- West Leigh Tank Study: Identifies areas west of the Stillhouse Mountain Tank that can be connected with water main extensions and utilize different pressure bands to provide continuous domestic service and fire protection in emergency situations.
- Glenmore Tank Study: Verified the feasibility of providing a tank in the Glenmore Subdivision to provide emergency water storage in case of a catastrophic failure of the single water main serving this area. We have moved this project back a year due to cost, but will continue design work and community meetings during the coming year.

Future projects that we have in our CIP for water system redundancy include several of the more significant projects to provide dual water sources for reliability:

- Key West/Dunlora Connection: An interconnection between Dunlora Subdivision across the Rivanna River to the large subdivision of Key West, which is currently served by a long single main from Route 250 East.
- Kearsarge/Ednam Forest Connection: An interconnection between different pressure bands to provide another water source to the West Leigh area. This is an existing CIP project that has been incorporated into the West Leigh Tank Study recommendations.
- Western Ridge/Foxchase Connection: An interconnection that will provide a secondary feed across Licking Hole Creek to the large subdivisions of Foxchase and Cory Farms that are currently served by a single long water main from the Crozet Avenue intersection with Route 250 East.
- Baker-Butler/Forest Lakes Connection: This will create a secondary water source from Forest Lakes North to the elementary school, which currently is fed by a single water main along Proffit Road from Jefferson Village.”

(Note: The Board went back to the discussion on Item 7.2 from the Consent Agenda.)

Ms. Mallek pointed out that Mr. Kusyk is comfortable moving forward with the urban agriculture discussion and he has an appeal.

Ms. McCulley said that the timing is an issue, as he has the pet pigs now.

Mr. Snow noted that he has had them for two years.

Mr. Rooker stated that there was a complaint, which triggers an investigation and in this case resulted in a zoning violation. He noted that there are zoning violations all over the County and the County does not have pro-active zoning enforcement, but instead re-active zoning enforcement.

Mr. Boyd agreed that it is a larger issue, adding that he has had constituents complain about chickens in neighbors' yards that get loose.

Mr. Davis commented that the Zoning position on this is correct from a legal perspective and that it will be upheld by the Board of Zoning Appeals. He added that the only way to deal with it is through a zoning text amendment – with staff feeling that it should not be a knee-jerk reaction to one situation. It needs to be dealt with in a much broader perspective after some significant analysis.

Mr. Boyd asked if a motion is needed.

Mr. Davis said staff's recommendation is that the Board not adopt a resolution of intent. The suggestion was to allow some additional time to present information before a resolution of intent is drafted, but staff would prefer that it be considered as part of the larger Comp Plan discussion.

Mr. Cilimberg said that this item was identified early on as needing to be addressed as part of the Comp Plan discussion, and this would be brought to the Planning Commission before the end of the year as part of the land use policy discussion.

Motion was then offered by Mr. Boyd to approve staff's recommendation to deny the request for a resolution of intent and to defer any further consideration of this issue and any related issues until the Comprehensive Plan review. The motion was **seconded** by Mr. Rooker. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 8. Quarterly Updates:

Item No. 8a. Rivanna Water and Sewer Authority, Tom Frederick, Executive Director.

The following memorandum dated April 6, 2011 was received from Mr. Frederick:

"I am planning to brief the Board of Supervisors at the April 6, 2011 Board of Supervisors meeting on the following topics but would be happy to address any other issues brought forward by the Board of Supervisors:

1. Ragged Mountain Dam: Within the past month all appropriate City and County agencies have sufficiently agreed on the approach to this project resulting in the RWSA Board directing staff on March 8 to amend the final design work on the earthen dam Schnabel is performing such that the structure supports an increase in the reservoir pool of 30 feet, but with a foundation capable of a future expansion of an additional 12 feet. This design is now expected to be completed by April 29, and by that date a submittal will be made to the Virginia DCR for approval by darn safety to proceed with construction. In addition, a request for a permit amendment was issued to Virginia DEQ and the Army Corps of Engineers on March 22. In terms of agreements that need to be completed between the ACSA and City, focus now turns to the Cost Share Agreement. We are hoping that the City and ACSA staffs can soon agree on a framework for cost share such that the attorneys can complete a draft to begin public discussion in May. In the meantime, Kurt Krueger is working with the attorneys of the County, ACSA, and City on a property use agreement that will be needed between the City and RWSA.
2. Rivanna Interceptor Pumping: Through the recently completed comprehensive sanitary sewer plan, RWSA received a commitment from ACSA and City staff to remove 25% of the stormwater inflow and infiltration from their respective collection systems by 2020, which will be an ambitious undertaking, especially for the City. Further, ACSA and the City have requested that RWSA provide the transmission capacity to carry the volume the collection systems cannot reasonably remove. For the Rivanna Interceptor, that represents a peak flow equal to 53 million gallons per day (mgd). While the interceptor pipeline can carry that volume of flow, the Rivanna Pumping Station that conveys wastewater from the interceptor to the treatment plant is limited to a peak capacity of 25 mgd. RWSA initiated public meetings in December to discuss four concepts for providing additional pumping capacity, as well as providing sufficient stand-by back-up generator power above the floodplain elevation for the additional peak pumping capability. As you are aware, the City Council expressed a preference on March 7 for moving the pump station from its existing location adjacent to Riverview Park and the Woolen Mills neighborhood to a location on the east side of the Rivanna River (Pantops). The next decision the RWSA Board needs to make is which concepts to take to the next phase of evaluation that would include specific siting and a preliminary design cost estimate. On March 22, Mr. Boyd asked the RWSA Board to table this matter to permit him to discuss this issue with the Supervisors on April 6.
3. Wastewater Consent Order: Related to the Rivanna Interceptor Pumping, the RWSA Board voted on March 22 to enter into a Consent Order with Virginia DEQ regarding improvements to the wastewater treatment and transmission system to significantly reduce the risk of wet weather related sanitary sewer overflows. The plan and list of projects are what RWSA has already recommended from our comprehensive sanitary sewer plan and DEQ staff were very complimentary of the work RWSA had done, and the cooperative work with ACSA and the City, who have each authorized its own Consent Order. The agreement confirms RWSA's plan is appropriate, and also provides the

backing of the force of state law to insure that RWSA's plan is implemented and not unduly delayed. DEQ sees this as a very important environmental issue.

4. Dredging of the South Fork Reservoir: On March 22 the RWSA Board approved guidelines for the RWSA to begin receiving solicited and unsolicited proposals under the Virginia Public-Partnership in Education and Infrastructure Act (PPEA), which is an alternative public procurement method that allows for public improvements to be made by public-private partnerships. Staff offered this approach because of the flexibility of its application when the RWSA Board expressed a strong commitment to consider a dredging project but did not want to specify the precise scope of work. Staff is now negotiating a fee for HDR Engineering to develop a Request for Proposals under PPEA to allow RWSA to receive proposals. I also anticipate further conversation between the ACSA and City regarding the type of contractual commitment that will be made to pursue dredging, as a part of the Cost Share negotiations referenced above.

Mr. Frederick stated that in 2005, through conversations with the RWSA Board, he was able to establish a goal of rehabilitating the sewer infrastructure in a way that met the goals of the community as well as environmental aspects and policies. He said that they solicited input from the ACSA and the City of Charlottesville and established that the most cost effective way to rehab a sewer system is a combination of transmission improvements and in some areas increase the capacity to convey wet weather flows combined with an aggressive effort to reduce sources of rainwater getting into the wastewater collection system. Mr. Frederick said that the partnership has been established and goals for rainwater reduction have been set, with projects identified for transmission improvements. He stated that the consent order is an effort that goes beyond the developed plan and takes it to the next level, putting state and federal law behind it, and by December 31 they must inform DEQ of the alternative and begin final design for the Rivanna interceptor pumping.

Mr. Frederick said that no decision has been made as to where to go with the Rivanna interceptor, and community input has been sought at this concept level. He stated that the RWSA Board has been presented with four concepts – Option A, to remain in the same location as the existing location; Option B, to go further upstream in Riverview Park – which is also adjacent to some other residential areas; Option C, to continue a gravity line that would continue the Rivanna interceptor to cross the railroad and Moore's Creek where it enters property the Authority currently owns, just below the old compost yard; and Option D, to move across the River from the existing pump station which requires a gravity pipe across the River bringing a pressure pipe across the River to tie into the current pipes at the existing pump station site. Mr. Frederick explained that the goal is to be able to pump up to a maximum and a rate equivalent to 53 million gallons per day, which is the peak of the hydrograph on the sewer flow during a wet weather storm and is not a steady consistent pumping.

Mr. Snow asked if having water coming into the system during heavy rains would cause the mgd to decrease significantly.

Mr. Frederick responded that the 53 mgd takes into account and allows for a goal set by the ACSA and the City to reduce the amount of rainwater coming into the system during wet weather events by 25% by the year 2020. He said that the EPA has done numerous studies that address rainwater, and making a facility watertight would cost an enormous amount of money. Mr. Frederick stated that communities across the country have come to the conclusion that there must be a balance between inflow and infiltration removed from the system and a transmission system that can carry the rest into a treatment plant. He noted that 25% was the goal ultimately adopted, and is not included in the 53 mgd, and the consultant looked at that limit for a 2020 goal – but after that time, providing capacity for growth would mean taking more inflow and infiltration out of the system. Mr. Frederick said that they are not proposing to increase the pump station at some future date to a higher capacity. They propose that by further efforts to remove inflow and infiltration in the system they will be able to allow for what they need in the future.

Ms. Mallek commented that it's a "phased approach."

Mr. Boyd added that the problems transfer from an inflow and infiltration problem to a growth situation.

Mr. Rooker asked if the infiltration would be reduced from 25% over what it is now. Mr. Frederick clarified that it would be reduced 25% over what it was measured to be in 2006 when meters were put in the sewer system to measure the flow. It is not the endpoint, nor should it be.

Mr. Rooker asked how much of the treatment capacity in wet weather events has to be devoted to handling infiltration.

Mr. Frederick replied that it is a fairly low number, but when significant storms do occur they can take a significant portion of the capacity of a transmission system. He added that currently, averaged over a 24-hour period, the flow to the Rivanna pump station is about 6 million gallons per day. He said that the consultant – working with City and County staff – projected future flows in the year 2060 to increase to 13 mgd, and the current station has a capacity of 25 mgd, but in a rain event equal to the two year storm, they can expect a peak flow coming through the system of 53 mgd.

Mr. Frederick added that with a significant rain event, 80-85% of transmission capacity could be used to carry flow during a wet weather period, and while heavy rain events don't occur frequently they

must be accommodated. He added that it is not a significant number compared to the total volume of flow they treat.

Mr. Rooker noted that the entire system needs to be designed with that peak in mind. Mr. Frederick said that is correct.

Mr. Rooker added that there are two ways to handle it – one of which is building a bigger system at the end of the line. Ms. Mallek commented that that is very expensive.

Mr. Frederick said that the ongoing upgrade of the Moore's Creek Wastewater Plant provides additional capacity for wet weather treatment. It uses some technologies that allows for tailoring of the process of handling wastewater during a wet weather event because that flow generally has less organic matter in it since a lot of it is rainwater.

Mr. Boyd asked for clarification as to why Option B was removed from active consideration.

Mr. Frederick confirmed that it was moved because it would just be moving from one neighborhood to another, and also because there were some historic resources and a major power line that limited the area to be worked in. He said that Option C is the most expensive of the four concepts – with Option A costing approximately \$25 million, Option B costing about \$27-\$28 million, Option C costing about \$37 million, and Option D costing approximately \$34 million.

Mr. Boyd mentioned the quality of life issue raised by residents and said that Mr. Frederick has noted \$150 million or more in projects over the next years that the City, County, and Rivanna would have to undertake to fix the sewer problems.

Mr. Frederick indicated that the total five-year CIP is approximately \$170 million, including the RWSA, ACSA, and the City, and 70% of that amount is for wastewater.

Mr. Boyd said that all of these costs will be passed onto ratepayers, and he had one constituent tell him that his water bills have doubled over the last ten years. He stated that there is no one laughing at the Woolen Mills situation, and perhaps Option C needs to be reconsidered even if it is the most costly.

Mr. Frederick said that RWSA staff has not taken that option off the table, but suggested removing Option B because, even with the other reasons, it moves the problem from one neighborhood to another.

Mr. Snow commented that when he drives along Route 250 near the pump station at the hill past Floridon, he will hold his breath the whole time he goes by it. He understands the concerns and asked what provisions would be made under the new system to clean up the air, and asked if the smell would simply move over to the shopping center and State Farm under Option D.

Ms. Mallek added that the smell could possibly just flow right back across the river to the residents who are affected now.

Mr. Rooker said that one question is how confident the technical people are that the proposed structures would contain the odor, adding that a substantial expenditure is being made to contain it. He also stated that he would like to clarify whether the station would be on State Farm property.

Mr. Frederick responded that there are technologies to remove malodors found in sewage, but they are not cheap. In 2003 the Rivanna pump station was retrofitted to include piping and an activated carbon scrubber system – a very effective technology in removing malodors from sanitary sewer systems. He added that it would take a lot of money to get absolute perfection, if that is achievable. It really comes down to what level of goal you want and how much money you are willing to spend. This technology is not cheap.

Mr. Rooker asked if the same technology would be used in each option, and what level of odor treatment is included in the expenditures.

Mr. Frederick replied that regardless of which option is chosen, advanced odor-removal equipment would be installed, adding that it would be built and designed into the pump station rather than retrofitted such as what is being done now.

Mr. Rooker asked what is used at the pumping station on Route 250 that Mr. Snow mentioned. Mr. Frederick said they do not have scrubbers on the Crozet interceptor. They have a chemical system that uses nitrates to react with the bacteria in the pipeline to prevent malodors from forming. When oxygen is prevalent in wastewater the bacteria that eats the oxygen tends to thrive and the others lay dormant. When the oxygen runs out if nitrates are present, then the nitrate bacteria will take over; when both of those are gone the sulfate bacteria takes over, and most of the malodors in sewer are involved in sulfates. To make the nitrate technology work, you have to get to the head of the system, not on the backend. Once the sulfate odors are formed you need a scrubber to take the odors out which is why the systems are different. For the Crozet system, they are catching it before the odor is formed in that system and that is the reason they can use a different technology. The budget is around \$80,000 - \$100,000 per year in chemicals. He said that he has spent a lot of time through his career in various locations dealing with this issue and there are no cheap options – they are all expensive.

Regarding State Farm, Mr. Frederick said that he had heard some comments at a neighborhood meeting that there was County property – and that land along the riverfront had actually been conveyed for a trail system from State Farm to the County. He said that they compared the County property boundary with a 100-foot buffer from the river, and the two lines are very close so the 100-foot river buffer would be infringed upon to build a pump station. RWSA does not think that is a good idea. The County has ordinances that regulate that kind of activity for most development. Mr. Frederick stated that the County property doesn't really fit this application, so the station would be on State Farm property. He said that in looking along the river front, there are a few sites available but they will not be cheaper, adding that the further away from the existing pump station the more expensive the project becomes.

Mr. Thomas commented that in that area the topography is critical. Mr. Frederick agreed and said they need to be above the floodway; they desire to be above the floodplain, but the further above the floodplain you go up the hill, the deeper their structure has to be because it has to capture the gravity flow. It is underground at a set elevation.

Mr. Rooker asked what would remain where the existing pump station is now if the new site was built across the river.

Mr. Frederick explained that one approach would be to move all the pumping to a new location, which would mean all of the piping underground at the existing site would remain and the piping to the new station would need to be connected to that. It is possible with the concept of moving all the pumping to another location that you could take out all of the above-ground structures at that site, but easements would have to be retained underground in order to continue to maintain the underground pipes. He said that the other approach is to continue to maintain 25 mgd of pumping capacity at the location using the existing pump station but go elsewhere to find the additional 28 mgd – which would mean two different pump stations connected by piping. There would need to be some underground work with that approach to connect piping but what is above-ground would continue to look like it does today. Mr. Frederick stated that there is no cost estimate for the hybrid yet, but it is expected to be lower than a single replacement and that question should be answered in the next phase. He said that in speaking with the RWSA Board, Rivanna staff recommended keeping Option A on the table for the next phase of study but not selecting it as the alternative, and also studying another option to develop more detail and tighter estimates so two options could be compared.

Mr. Frederick stated that a majority of Woolen Mills residents seem to favor Option D, although some would accept Option C. He gave a report to City Council on March 7 at the request of Mr. Jones, City Manager, and Council expressed their preference for Option D.

Mr. Boyd asked if the \$219,000 engineering cost includes Option C. Mr. Frederick responded that the cost allowed for two options.

Mr. Boyd said the Rivanna Board will have to make a decision at its next meeting which is the reason he is seeking some direction from this Board. He does not think they should take everything off the table except Option D. As much as he hates to spend money, he thinks it would be well-spent money to look at additional options. He added that he is glad that Option C is on the table because it is a possible compromise solution.

Mr. said that for the next phase of study two concepts would be reviewed – with identification of properties, the potential footprint, and preliminary layouts – with the hybrid and complete relocation considered for both options within that fee. He added that if they chose Options A and D, it would also include a hybrid for each. The hybrid means keep the existing 25 mgd and build 28 mgd at new capacity at whichever site is chosen. He said that when the staff presented options to the RWSA Board, they asked the Board to choose one of the options and compare it to Option A.

Mr. Boyd asked if Option A requires purchasing additional property from the City. Mr. Frederick replied “yes”; he added that the current site is barely big enough for what is there now.

Ms. Mallek asked for some clarification on the dam design issue, recalling that it was determined to be more reasonable in terms of cost and efficiency to complete the design of both the 30-foot and 42-foot options at the same time.

Mr. Frederick explained that when the final design was finalized last fall it was based on the premise that the ACSA would pay for it, and at that time was based on a dam that would support a 42-foot pool height increase with gates that would allow it to operate at 30 feet. That was the direction that was given to Schnabel Engineering. He added that on March 8 the RWSA Board called a special meeting after actions from both City Council and the Board of Supervisors to redirect the consultant to complete a design to be submitted to DCR at the end of April based on a dam that would support a 30-foot pool height. Mr. Frederick stated that he believes in pursuing whatever is submitted to dam safety for approval for construction. The design the engineers have done for the greater height would still be there and could be picked up in the future.

Ms. Mallek commented that her support was based on the contingencies of progress in other things happening and it has been very silent on that front. She added that she is concerned that all options are still available, such as the triggering mechanisms.

Mr. Thomas agreed that he shares the concern that the triggering mechanism be addressed.

Mr. Frederick said that RWSA engineering staff is working hard on the technical work being done now. He added that it is important for the Board to watch the cost-share agreement. If that becomes a protracted debate, it would hold up the progress of the project. The RWSA staff is taking a secondary role on cost-sharing agreements by offering mostly just to answer technical questions for the City staff or ACSA staff. He stated that the approaches on the technical level seem to be reasonable at this juncture, and he hopes to have something for the ACSA Board of Directors and the City Council in May.

Ms. Mallek asked if the 30-foot fill proposal would be submitted to regulators before all that happens. Mr. Frederick confirmed that the DCR deadline for the complete design is April 29 – which would include a base or foundation for the additional 12 feet.

Mr. Rooker noted that this does not foreclose the option of building to 42 feet.

Mr. Frederick agreed, adding that it is important to submit to the agencies what they propose to build now.

Mr. Rooker said the Board will need an update from Mr. O'Connell on the status of the cost-sharing agreement as it is a key ingredient in moving the entire plan to fruition.

Mr. Boyd stated that he believes the Board should support Option A and Option D for the sewage treatment upgrades should be moved forward for study, as recommended by RWSA staff.

All Board members concurred.

Item No. 8b. Resource Management Review Quarterly Report.

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

In February 2009 the Commonwealth Educational Policy Institute (CEPI) at Virginia Commonwealth University presented to the Board of Supervisors its assessment of the effectiveness of the manner in which the County utilizes its financial, human, and capital resources. This top-to-bottom analysis of the County's administrative and operational support systems was conducted to determine if current programs and services are being delivered in the most efficient and effective manner possible. Overall, the report provided an affirmative assessment of the County's performance and systems.

Since presentation of this report, staff has been providing the Board ongoing and consistent updates on the disposition and implementation of CEPI's recommendations. While the report listed 148 recommendations, staff consolidated similar or related recommendations in order to improve the clarity of the report's findings and allow for better management of and reporting on the status of recommendations. This effort resulted in the number of recommendations being reduced from 148 to 85 as well as established a method for categorizing the findings based on their status. In January 2011, staff indicated that 83 percent of the report's recommendations were either resolved or in the process of being implemented.

The purpose of this report is to apprise the Board of the status of the remaining 32 recommendations (Attachment A) and the plan for addressing any of those considered outstanding at this point in time. Since the last update on this matter to the Board in January, a host of initiatives have been resolved and/or addressed either through the FY12 budget process and/or assignment of tasks to departmental work plans. In addition, the four (4) recommendations related to fire/rescue services are poised to be addressed through the deployment of a collaborative systems approach being proposed through the recommended Fire/Rescue Ordinance scheduled to be considered by the Board later in April.

Among the initiatives/projects completed since January are the installation of an emergency generator to power the County's information technology functions during inclement weather/power outages, publication of the County's performance management data on its website and completion of the assessment of City/County cooperative and collaborative ventures (i.e. Social Services and Fire/Rescue).

Items addressed through the FY12 budget process include the acquisition of an on-line reservation system for the Parks & Recreation Department, enhancing staff support for the Finance Department through the reallocation of positions from other departments, unfreezing two (2) Police Officer positions to establish a foundation for achieving the County's Comprehensive Plan Police Department staffing goal and upgrading the County's Computer Assisted Mass Appraisal System.

Several recommendations have been or will be assigned to individual departments for implementation through their work plans for the coming year, including development of an Employee Handbook (Human Resources), ongoing training and development of Finance Department staff, assessment of the County's risk management functions (Finance Department) and an offsite information technology recovery system (Information Technology/Technical Resources Committee).

Staff believes that the overwhelming majority of the recommendations contained in CEPI's report are now complete or will be accomplished in the not too distant future. Accordingly, staff is seeking Board concurrence and approval to proceed with implementing the balance of any outstanding issues through departmental work plans or as future funding becomes available.

Recommendations that will require additional resources to analyze or implement beyond the reallocation of existing resources, such as hiring an additional attorney for the Commonwealth's Attorney's Office, will be brought to the Board for discussion and action.

Mr. Foley said that staff recommends that the Board affirm the completion of the recommendations contained in the County's 2009 Resource Management Review prepared by the Commonwealth Educational Policy Institute (CEPI) at Virginia Commonwealth University, primarily because all items have either been completed, addressed in the budget, or moved into departmental work plans. Staff is recommending discontinuing the quarterly reports. However, if there is a need for an update on the items, Mr. Foley said that information can be provided on the Board's consent agenda.

Ms. Mallek said the study was valuable, and just because all of these things were suggested, it does not mean that the County needs to do them. She is supportive of the recommendation.

Mr. Boyd asked if there is an offsite backup arrangement for Information Technology. Mr. Foley responded that 5th Street is a backup for this building, but the recommendation from the consultants is that there be a backup 100 miles away. They do have redundant systems in place.

Mr. Rooker commented that many of the recommendations of the review have resulted in substantial savings, and hiring an Auditor has proven that it will pay for the cost of the study many times over in future years.

Board members confirmed the completion of the recommendations contained in the Study and agreed to remove this item as a regular quarterly update on the agenda.

Mr. Foley reiterated that staff would proceed with finalizing any remaining items and any future updates to be provided on the Consent Agenda as to completion of items.

Item No. 8c. VDOT, Karen Kilby, Programming & Investment Management Director.

Ms. Kilby said that Board members received her monthly reports as part of their packets of information. She stated that the Jefferson Park Avenue bridge closed yesterday. She asked if there were any questions on her report (there were none.) She stated that staff would provide the report on the six-year plan.

Mr. Rooker asked about the timeframe for Georgetown Road improvements and asked if any lane closings would take place during the summer. Ms. Kilby confirmed that the timeframes are still the same, and any lane closures are still planned to take place during the summer.

Agenda Item No. 9. **Work Session:** Review of Road Improvement Priorities for Primary and Secondary Roads and VDOT Six Year Construction Program.

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

Primary Road Improvement Priorities:

The Commonwealth Transportation Board (CTB) will conduct a public hearing at the VDOT Central Office in Richmond on May 18, 2011 to give citizens and public officials an opportunity to provide comments on projects in the Working Draft Fiscal Year 2012-2017 Six-Year Improvements Program (SYIP). This hearing will provide an opportunity for the County to inform the CTB of the County's interstate, primary road, rail, bicycle, pedestrian, and transit improvement priorities. Primary roads are those roads with route numbers below 600, including interstate highways (Route 6, 20, 22, 29, 231, 240, 250 and I-64).

The Six Year Interstate and Primary Road Plan process differs from the Secondary Road Plan process in that specific amounts of funds are set aside for secondary road projects in the County, whereas funds for primary road projects are allocated for each construction district. All primary road projects proposed within all localities in the district compete for those district funds. The Culpeper District includes Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange, and Rappahannock Counties.

Secondary Road Improvement Priorities:

The County's Priority List establishes the priorities for road improvements in the State's Secondary Road system (roads with a route number of 600 or higher). The Virginia Department of Transportation (VDOT) Six Year Secondary Construction Program is based on the County's Priority List and reflects available state road funding allocated to the County. The County's Priority List and the VDOT Six Year Construction Program and budget are typically reviewed annually.

Primary Road Improvement Priorities

Attachment A is staff's proposed priority list of improvements for inclusion in the FY 2012-2017 SYIP based on the UnJAM 2035 Charlottesville-Albemarle MPO Transportation Project List and prior Board priority lists. With the Board's approval, staff will forward the priority list to the CTB for inclusion in the record of the May 18th public hearing.

Secondary Road Improvement Priorities:

Attachment B is the priority list of secondary road improvements adopted by the Board in 2010. Staff will revise the list for public hearing based on input received from the Board.

Available Funding – VDOT has provided the following projected funding allocations for Albemarle County:

FISCAL YEAR	REG. STATE FUNDS AVAILABLE	MIN. UNPAVED ROAD FUNDS	FEDERAL FUNDS	TOTAL FUNDS
2011-12	\$366,810	\$0	\$0	\$366,810
2012-13	\$345,568	\$0	\$0	\$345,568
2013-14	\$345,568	\$0	\$0	\$345,568
2014-15	\$345,568	\$0	\$0	\$345,568
2015-16	\$345,568	\$0	\$0	\$345,568
2016-17	\$345,568	\$0	\$0	\$345,568

The projected funds for FY 2012 through FY 2016 are allocated to the Jarmans Gap Road and Broomley Road bridge projects in the current VDOT Six Year Secondary Construction Program. FY 2017 is the “new” sixth year of the Program and those funds are not allocated to a project at this time.

The VDOT Revenue Sharing Program will again be available this year and would be a source of additional funding for transportation projects. The Revenue Sharing Program will potentially match, dollar-for-dollar up to \$10.0 million, a locality’s contribution toward funding of transportation projects. The Board has indicated its intent to participate in the State Revenue Sharing Program and has identified \$484,000 for program participation. A full match of the County funds would provide a total of \$968,000 in additional funds, which can be used in the Six Year Program to fund project development. This is a competitive program, so an award of matching funds is not guaranteed, and a partial match is possible. The Board has indicated that the Revenue Sharing funds should be used to advance the Broomley Road bridge project. Staff will provide a resolution of intent to participate in the Revenue Sharing Program for Board approval at the April 6 meeting.

Public Requests – Staff has received five requests for new road improvements, as follows:

Route 708, Red Hill Road, road paving request – Request to pave Route 760 near Red Hill School in North Garden. This road serves the Red Hill Elementary School and carries between 70 and 170 vehicle trips per day. This project was previously in the County’s priority list and was determined to be eligible for construction as a rural rustic road project. The proposed project was presented to the residents in the area several years ago following the public input process prescribed for a rural rustic roads project by the Board of Supervisors. There was some opposition to the project from area residents, so the project was not pursued further and subsequently deleted from the priority list. *If the Board believes this project merits reconsideration for possible paving, the road should be added to the Rural Rustic Road List.*

Gillums Ridge Road (Rt. 787), road paving request – Request to pave a 0.9 mile section of this road from Broad Axe Road to Dry Bridge. The other half of this road from Route 250 west to Broad Axe Road is already paved. This road carries 290 vehicle trips per day. *Staff recommends this request be prioritized and added to the road paving priority list.*

Patterson Mill Lane (Rt. 824), road paving request – Request to pave a 1.04 mile section of this road. Patterson Road runs from Route 250 west of Midway Road (Rt. 688). A short portion of the road is already paved (0.6 mile). This road carries 200 trips per day. *Staff recommends this request be prioritized and added to the road paving priority list.*

Sunset Road (Rt. 781) sidewalk improvements/Sunset-Fontaine Connector Road – Requests have been received to install sidewalks on Sunset Avenue and to construct the Sunset-Fontaine connector road. These improvements are already prioritized in the County’s Priority List (priority #5 on the Strategic Priorities).

Brocks Mill Road, rural addition request – Request to upgrade Brocks Mill Road and include it in the state secondary road system for maintenance. The road has become difficult for residents to maintain. This dead-end road is 0.5 mile long and provides access to 20 parcels, most of which are undeveloped. There are currently seven homes served by the road. The road has been determined to be an old public right of way that was not included in the state secondary road system when the system was created in 1932. The road is eligible for inclusion in the secondary system under the VDOT Rural Addition Program. One property owner has been working for several years to determine if sufficient right of way for the project could be obtained from the adjacent property owners. Property owners along the road have now provided written statements indicating a willingness to dedicate the necessary right of way to upgrade the road to state standards. VDOT has determined that the right of way is adequate for the project. VDOT estimates the cost of the improvements to be between \$200,000 and \$250,000.

Under the Rural Addition Program, the Board must take formal action to approve the addition of the road to the Secondary System and request that VDOT maintain the road. The Board must also identify the source of funding to be used for the improvements. \$250,000 has been set aside for Rural Addition projects in the adopted VDOT Six Year Secondary Construction Program to fund potential Rural Addition projects, including this project. These funds are not required to be used for rural addition projects and can be reallocated for other regular construction, bridge, or unpaved road projects. Historically, the County’s policy has been that the property owners are responsible for the cost of the improvements and the use of Rural Addition funding has been limited to unique hardship situations (e.g., Corville Farm subdivision).

Staff's opinion is that this project would provide a relatively limited community benefit for the amount of public funding used. The \$250,000 in Rural Addition funds could be more effectively used on higher priority projects or other projects providing a greater benefit. *Staff requests direction from the Board on this project.*

Road Paving Projects – Board members have recently expressed a renewed interest in funding road paving projects. There are no dedicated funds available from the state for road paving, and no indication that road paving funds will be available in the future; therefore, road paving projects would have to be funded using regular state road fund allocations (estimated at \$345,000 per year for the six years), revenue sharing program awards (and County match), or potentially one time funding from existing line item funds in the adopted Program (for example, for Rural Addition funds, traffic calming funds). The regular state road funds have been allocated to the highest priority projects over the next five years of the Program (Jarmans Gap Road and Broomley Road bridge projects).

The Board's previous direction regarding unpaved road projects was to prioritize unpaved road allocations to projects located in the Development Areas. Dickerson Road and Rio Mills Road, located in Hollymead, were determined to be the two highest priority projects. Subsequent to that decision, dedicated state funds for unpaved roads were eliminated. The Dickerson Road project was not sufficiently funded to complete the project; therefore, the Board and VDOT proceeded with an amendment to the Six Year Secondary System Construction Program in 2010 to transfer the unused road paving funds from the Dickerson Road Paving Project to the Broomley Road Bridge Improvement Project.

Staff requests that the Board provide County and VDOT staff further direction regarding its expectations for the funding of unpaved road projects.

The Six Year Secondary Road process establishes the County's priorities for the expenditure of State/VDOT secondary road construction funds and does not impact County funding. Should the County also decide to participate in the Revenue Sharing Program, the County's match would be funded from anticipated appropriations in the CIP.

Staff requests that the Board provide comments on the County's Priority List of Primary Road Improvements (Attachment A) and Priority List for Secondary Road Improvements (Attachment B), and recommends that a public hearing on the County Priority List and VDOT Six Year Secondary Construction Program be scheduled for May 11, 2011. Staff also recommends adoption of the resolution of intent to participate in the Revenue Sharing Program (to be provided to the Board at the April 6 work session).

Mr. Benish said that staff has reviewed the primary priority plan and has provided some minor modifications based on recent planning efforts including master planning recommendations and the most recent MPO regional transportation plan. This work session is an opportunity for the Board to provide comments or directions for changes to the proposed list. Staff believes the list is consistent with the Board's emphasis placed on Places 29 and the priorities set for the widening of Route 29 North, Berkmar Drive, and improvements to Route 250 East as well as City projects such as Hillsdale Drive and the third lane on Route 29 and the BestBuy ramp.

Mr. Rooker asked Mr. Benish if he was interacting with the City on the Hydraulic Road/Route 250 Bypass project, including the ramp. There was \$2.3 million in primary road funds allocated to the City for that project that has just been sitting there. Mr. Rooker said that his concern is that the path that has now been cleared moves forward with the money that is reserved for it.

Mr. Benish responded that it is his understanding that the City is actively moving forward with the project. One of the primary issues is securing the proffer monies as one of the last infusions needed to encourage momentum.

Mr. Rooker encouraged Mr. Benish to continue to work with City officials to keep things moving and to make certain that they do not lose the money.

Mr. Thomas pointed out that at the last MPO meeting, City officials indicated that they were waiting for the proffer which they cannot get initiated until the site plan is approved.

Mr. Cilimberg mentioned that there is an order in which they have to spend the money, and the money to be spent first is that tied to the proffer – which is exercised when the final site plan is approved.

Mr. Rooker stated that originally the City was going to spend the money to do the design engineering part, and now it comes to light that the project has not moved along expeditiously because of the Albemarle Place proffer. That is something he never heard mentioned until recently when it was disclosed that the design had not gone forward. He added that the County needs to push on this to keep it moving forward. He has never been aware of a legal hurdle that prevented the City from spending other money allocated on the project for design.

Mr. Benish said that he would follow up on that and would request that a City official come to a Board meeting and explain what is going on.

Mr. Rooker stated that he would also like to have VDOT look into the current status of the various components of the project to ensure that the design engineering component gets going.

Mr. Benish reiterated that today is an opportunity for Board members to offer any suggestions prior to staff finalizing Attachment A. If the Board is comfortable with the information they can proceed or staff can bring back additional information at next month's meeting.

Mr. Boyd commented that he is getting mixed information from different places as to what VDOT is going to be funding. He stated that if it is confusing to him then it is confusing to people wanting to get their roads paved.

Mr. Rooker agreed. He emphasized that there is about \$335,000 per year in secondary road funds coming to the County each year – down from about \$5.5 million five or six years ago. He stated that he believes they should be doing more, but the State is responsible for funding roads and yet has not raised the gasoline tax in over 20 years – coupled with people driving less and/or using more fuel-efficient vehicles. Mr. Rooker said that the requests citizens have made today are reasonable but there is simply no money, adding that there are projects that have been on the list for 20+ years that are not getting funded.

Mr. Boyd asked if the County is back at the point where it needs to look at what money is coming in and then look at what realistically can be done. One of the highest priorities is expanding the lanes on Route 29, but if there is no way to do that for the next 30 years, should everything sit idle until that happens.

Referring to #2 in Attachment A, Ms. Mallek asked if there is a priority order. She asked if all the items are of equal standing and if funds would go to whichever one fits the funding first.

Mr. Benish said that Item (a) is underway; (c) Hillsdale Drive is a City project in process. Staff looked at all four projects as being essential. Mr. Benish added that funds for primary projects are allocated at the Culpeper District level. He added that all the projects are competing against one another for funds.

Mr. Rooker said that Albemarle Place is including an improvement of an added lane on Route 29 from the Waffle House down to Hydraulic Road, and are improving the Route 29/Hydraulic intersection. The County should try to see if it can get those projects to be coordinated. Mr. Rooker said that there would be two lanes lost until the widening from Hydraulic down to the Route 250 bypass is done, which is essential in improving traffic flow.

Mr. Boyd commented that he wants to move from a wish list to an action plan.

Mr. Rooker responded that this project is funded and they need to focus on making sure it gets done. Board members including Mr. Boyd agreed.

Mr. Cilimberg said that staff could provide for the Board a list of projects that are in a plan and what plan they are in. This list presented today includes projects that have received secondary money, urban money, and primary money. There are also other funds that can be put into these projects.

Mr. Boyd said staff provides a long sheet which breaks down the list of projects in primary, secondary, rustic rural roads, etc. He suggested starting the list off with how much money is in the pot and what the funds are already designated for. For example, he had heard that the funds were available for the BestBuy ramp yet it appears they are not.

Mr. Rooker said the funds are there, but the issue has to do with the proffer which is waiting on site plan approval.

Mr. Cilimberg confirmed that the Albemarle Place site plan is preliminary at this point, but a final would be coming once that is approved.

Mr. Boyd noted that the third lane from Proffitt Road to Hollymead Town Center is a high priority, and asked if there would be any money for that. Mr. Cilimberg said VDOT would have to respond to that question.

Mr. Rooker commented that it might be helpful for some other Board members to meet with Mr. Jim Rich, as he is a pivotal player on the CTB in fighting for the County to get its funds.

Mr. Snow said it would be helpful to add to this list a category informing them on what is holding up projects especially when the money is available.

Mr. Benish suggested providing a status of each of the projects. He then offered to take the list and narrow it down with the top priority items for when it is presented next month. He added that this is not a list that is entirely funded.

Mr. Snow said that a status report on each would be helpful for him when he attends the MPO meetings.

Mr. Rooker then **moved** to approve Attachment A as presented. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR FY 2012-2017 SYIP
(APRIL 2011) (Attachment A)**

I. MAJOR IMPROVEMENTS

1. Construct Meadow Creek Parkway from Route 250 Bypass to Melbourne Rd., including the interchange at the Route 250 Bypass.
2. Improvements to Route 29 North Corridor:
 - a. Funding of 29H250 Phase II Study, Option B design recommendations, most particularly additional north and southbound lanes on Route 29 from the Hydraulic Road intersection to the Route 250 Bypass and an additional ramp lane from Route 29 southbound onto the Route 250 Bypass West;
 - b. Construct a third lane on the northbound and southbound lanes of Route 29 North from the South Fork Rivanna River to the Hollymead Town Center;
 - c. Construct Hillsdale Drive extension from Hydraulic Road to Greenbrier Drive; and
 - d. Construct Berkmar Drive extension.
3. Improve Route 250 East corridor as recommended in the Pantops and Village of Rivanna Master Plans (improvements to I-64 interchange, pedestrian crossings in Pantops, parallel roads, new bridge/crossing at Rivanna River and widening of Route 250 east from the I-64 interchange to Village of Rivanna).
4. Improvements in accord with the recommendations of the Crozet Master Plan:
 - a. Implement sidewalk plan (per Downtown Sidewalk and Parking Study and Crozet Master Plan);
 - b. Create bike lanes to and in downtown;
 - c. Construct Eastern Avenue, to include the Lickinghole Bridge and a railroad crossing; and
 - d. Construct un-built sections of Library Ave. east from Crozet Avenue to Hill Top St.
5. Widen Route 20 North from Route 250 to Elks Drive/Fontaine Drive intersection, including bike lanes and sidewalks.
6. Undertake improvements recommended in the Southern Urban Area B Study, including improvements to Fontaine Avenue and construction of Fontaine Avenue to Sunset Avenue connector road.
7. Widen Route 20 South from I-64 to Mill Creek Drive, including bike lanes and sidewalks.
8. Improve two intersections on Route 20 (Valley Street) in Scottsville: the Warren Street intersection and the Hardware Street intersection.

II. TRANSIT IMPROVEMENTS

1. Regional Transit Authority - Funding to establish a regional transit authority to provide expanded transit service to Albemarle County and Charlottesville.
2. Expand Existing Service - Funding to expand existing transit service capacity for CAT, JAUNT and RideShare, including capital projects to enhance capital operations (such as bus pull-outs, shelters, etc.).
3. Funding for Transit Operational Costs - Fully fund the State's existing formula share of transit operating costs or provide fuel subsidies in the face of rapidly escalating fuel costs.
4. Inter-City Rail – Maintain increased inter-city rail service initiated to Charlottesville/Albemarle County in 2009.

III. SAFETY IMPROVEMENTS

1. Construction of pedestrian walkways and/or bikeways along primary roads in the County's Urban Neighborhoods and Development Areas as part of road widening/improvement projects. Absent major road improvements, the following are prioritized for pedestrian and/or bikeway improvement:
 - a. Route 240 in downtown Crozet;
 - b. Pedestrian crossings at strategic locations on Rt 29 North;
 - c. Route 250 East in Pantops - complete existing sidewalk system through extension and connections; provide pedestrian crossings at strategic locations;
 - d. Route 250 West from the City limits to the 250 Bypass area; and
 - e. Route 20 South from City limits to Mill Creek Drive extended.
2. Intersection improvements on Route 250 West at 1) Tilman Road and 2) Owensville Road.
3. Full lane widths, paved shoulders and spot improvements on Route 22 and Route 231.
4. Traffic control improvements at the intersection of Route 250 West and Route 151.

Ms. Kilby stated that Mr. Snow and Mr. Thomas heard a presentation at the MPO Policy Committee meeting that discussed funding. She suggested going over some of those points for this Board in hope that it could answer some of their questions. She explained that transportation funds are divided into two categories – the highway maintenance operation fund and the transportation trust fund. The highway maintenance maintains the road systems, signals, etc. The trust fund funds construction. She said that this year \$511 million would be transferred from the trust fund to the highway maintenance fund just to keep the system maintained because of reduced revenues. Ms. Kilby said that construction funds are distributed per the Virginia Appropriations Act – first paying for maintenance, then administrative and general expenses, then debt services, then special financing and earmarks, then state match for federal dollars, and then the construction money runs out. She also explained that the Code stipulates that 5.6% of any construction money left goes to unpaved roads, 40% goes to primary roads, and 30% to secondary roads and urban systems. Everything is now provided on a state-wide basis. Ms. Kilby said

that the main programs getting funded now are bridge programs, with federal bridge monies distributed statewide. They do not have money to distribute down to the locality for primaries. She did encourage the Board to submit a list of priority projects, even if it is a wish list, because that will keep them in the public eye and send a message to the CTB and legislature that they are serious about the projects. Some of these projects that are currently underway will get completed and they may be able to get some more funding.

Mr. Boyd said he understands the need to have the list, but it is confusing to constituents when they see that their road is second or third on the list, but it does not mean anything will get done anytime soon. Ms. Kilby said that is correct.

In terms of the secondary system, Mr. Benish reported that there are allocations that come to the State for secondary roads through a funding formula. He noted that for the next six years the allocations are approximately \$345,000 per year – which would be used in the first five years primarily for Jarmans Gap Road, Black Cat Road, Broomley Road Bridge, and Dry Bridge. Currently Georgetown Road is fully funded. He said that the funding for year six is also \$345,000.

Ms. Mallek pointed out that the amount would not even cover one rural rustic road.

Mr. Benish noted that VDOT's rule of thumb for unpaved roads is about \$800,000 per mile. He said that there would be revenue-sharing money available and the deadline for making applications would be the end of this month – noting that the Board has set aside a match of \$484,000. Staff will make that application and has a resolution for the Board's adoption; it has been suggested that these funds be used for the Broomley Road Bridge project.

Mr. Rooker asked Ms. Kilby to clarify that the County could get \$1 million in matching funds if they put up \$1 million. It is also his understanding that if some communities do not take advantage of the \$1 million matching fund opportunities, other communities may get more matching funds.

Ms. Kilby said the revenue sharing program has changed this year. It has moved to a maximum fund limit of \$200 million total with localities allowed to request up to \$10 million. Ms. Kilby said that the state asked for letters of intent from localities and came up with approximately \$47 million statewide, so the CTB is looking at \$50 million this year but may go higher if the requests come in. She stated that in previous years there has been a tier allocation with projects being completed by localities being the only ones getting money, but this year all requests up to \$1 million would be evaluated and funded first. If that takes all the money, the state will not allocate any additional money this year. She expects that this allocation will increase next year because it is a great way to leverage the County's money and get a lot of improvements." She stated that if there is money left over after the initial \$1 million, the State will go back and consider other requests.

Mr. Rooker emphasized that the County is being very short-sighted in not pursuing the \$1 million.

Mr. Snow said that that was the purpose of adding the one-cent to the tax rate, but since the Board did not approve that additional one-cent, he asked if there are any other funds available where they could capture another \$300,000 to \$400,000.

Mr. Foley stated that staff could look at it, but staff has already done that several times. There is also a significant bill before the veto session on shifting some costs for CSA. He thinks the timing is a challenge here, and it is difficult to say there will be additional revenues. Staff may have a better sense in a couple of weeks.

Mr. Rooker said that the money is not spent until it is actually spent from VDOT – it is spent as the project it is allocated to gets funded. He would really suggest the County apply for the \$1 million.

Mr. Snow agreed, adding that if the matching funds are not available then the County won't have to assign its share.

Mr. Benish asked if the \$1 million is to match or \$500,000 to match \$500,000. Board members said \$1 million meaning that if the County got VDOT's \$1 million, it would mean \$2 million.

Mr. Dorrier asked about using the rainy-day funds for the match.

Ms. Mallek said that she would not support that because it would leave no buffer.

Mr. Foley stated that there is no down side in requesting the \$1 million.

Ms. Kilby said that the revenue match does have to come out of the County's Capital Fund, but proffers can also be used for this purpose. The County can use the revenue sharing funds for unpaved roads, bridges, top priorities, etc.

Mr. Dorrier commented that Albemarle Place has some proffers. Mr. Rooker commented that they are actually building a road and the money they are putting in is going into the project to widen Route 29 from Hydraulic Road to the Route 250 Bypass. That money is already designated for a specific use.

Mr. Foley pointed out that any proffer monies already be in the County's CIP as a revenue source, so the County is already set up to take advantage of that.

Mr. Boyd commented that it is wise to request the \$1 million, but it is important to have a definitive plan as to how it would be spent. He added that he thinks the Board needs to identify what it would do with the money.

Ms. Mallek commented that this is what the County's list is all about.

Mr. Rooker noted that the first part would be allocated to Broomley Bridge, which is a safety issue.

Mr. Benish stated that the \$484,000 was anticipated to go to the bridge, and any additional monies would be applied to the priority projects that are part of this secondary plan.

Mr. Boyd suggested that this additional money needs to go to projects that can be accomplished, not just set aside for projects that could take up to ten years.

Mr. Rooker said that safety must be the first concern, and the State is simply not doing it anymore.

Mr. Davis pointed out that the application process actually requires that the County specify which projects it will be doing.

Mr. Benish agreed, but noted that more than one could be specified. Based on the Board's direction, staff can revise the resolution to reflect several projects.

Ms. Kilby said that VDoT must have the application by April 29, but do not have to have the resolution until May 27.

Mr. Benish stated that he would need to know by next week so that he can get the application in by April 29.

Mr. Rooker said that the Broomley Road project would require pretty much all of that funding.

Mr. Snow asked if perhaps more money should be requested - \$1.5 million or more.

Ms. Kilby clarified that the application this year requires that the first \$1 million be asked for initially, and then the additional money, if it is available. They also ask that the additional money be spent within 24 months. For example, they do not want a project that would take years and years to complete.

Mr. Rooker agreed with Mr. Snow and suggested the County request \$1.5 million.

Ms. Kilby added that when the funds are awarded and VDoT gets ready to give the money out, an agreement will be sent to the County where it has an opportunity to decline or accept the funds.

Mr. Rooker commented that it is unfortunate that this is what it has come to, and if the locality does not chip in something, it will not get anything.

Ms. Kilby noted that the County is receiving federal bridge funds throughout the six-year plan – approximately \$1.7 million through 2015 – so the Board should consider whether it wants to put all of the revenue sharing money in that project and possibly lose those federal bridge funds or spread it out.

Mr. Rooker commented that it would require the federal bridge funds for several years to do the Broomley project - \$2 million will not complete the project by itself.

Mr. Benish pointed out that the other bridge projects are being fully funded through federal bridge monies, but Broomley is using a combination of funding to accelerate it.

Ms. Kilby emphasized that VDoT cannot guarantee that the federal bridge funds will stay in Albemarle, as they are allocated statewide.

Mr. Rooker said that it would take the \$1.6 million plus the \$2 million to do the Broomley project.

Mr. Cilimberg stated that it would take another \$2.8 million to complete the project, based on last year's figures.

Ms. Kilby pointed out that Broomley is fully funded, based on last year's plan with the telecommunication fees assigned in years 2013, 2014, and 2015, Broomley is fully funded.

Mr. Cilimberg clarified that it would be finished in 2016.

Mr. Benish said that the intent is to advance the project so it is completed before then, adding that if the priority is still to do that then he and Ms. Kilby need to sit down and do the math on what can be addressed. They really need to know what the next projects are on the list to begin planning.

Mr. Cilimberg said if Board members tell them the list of priorities, they will put all the money they can towards getting the next project done rather than spreading it amongst several projects that end up extending it for many years.

Mr. Benish then reviewed the list of requests for secondary funding: Route 708/Red Hill Road, which had moved forward to design at one point. Ms. Mallek asked if all the signatures are in place for

that project. Mr. Benish said staff will need to review it; he does not believe they have all been received. Since right-of-way is not required, they set up a process where they meet with the public to go over the scope of the project. In 2007 when they last met, there was not unanimity among the residents to move forward with the project and in turn the Board chose not to go forward with it.

Mr. Snow stated that he and Ms. Kilby discussed changing that from a rural rustic road paving to a maintenance paving, and he has a document with all neighbors agreeing to a maintenance paving from the school down to the bridge. He said that he had visited the VDOT office and discussed paving the road only in the area where the water is constantly washing over it and filling up the culvert, and he was instructed to get a petition from all neighbors.

Mr. Benish said that Brocks Mill Road has been on the priority list, but the issue has been that there has not been a Board action to approve that as a rural rustic project – only to investigate the feasibility of the roadway. He explained that the rural rustic road funds can be used without specific application to VDOT, so staff just needs guidance from the Board on intended priorities.

Mr. Boyd asked if rural rustic and rural addition were two different things.

Ms. Kilby explained that rural addition is a County road that VDOT does not maintain, and it must have been built before 1992; the locality could surface treat it and ask the State to bring it into the system. She said that rural rustic requires a resolution from the Board that says growth will be limited on that road for 10 years, and there must be good horizontal and vertical alignments. It cannot be a sharp and curvy road, or hilly and mountainous.

Mr. Boyd noted that there is \$250,000 in unused funds, and he wasn't sure if it took a separate pot of money or if it could be used to meet the needs of Brocks Mill. It is a doable project and he would like to see it move forward.

Ms. Mallek said that there is no way an alignment change and base rebuilding could be done for \$250,000.

Mr. Benish reported that VDOT has looked at a preliminary design concept and have evaluated it as a doable project. There are certain alignment shifts needed based on property owners' willingness to dedicate right of way. He explained that the original estimates are based on in-house design work and construction which are no longer done by VDOT but are instead done through contract. The current estimate is all the money set aside for rural additions.

Ms. Mallek asked if there is still a rural rustic pot of money separate from rural addition.

Ms. Kilby responded that rural addition funds can only be 5% of the secondary allocations per year, noting that the money in the rural addition program has been accumulated for many years.

Ms. Mallek asked if it chips away from funds for other rural rustic projects. Ms. Kilby responded, "no". It does not take away other than the 5%, if the Board chooses to put that on for the next six years.

Ms. Mallek noted that it has taken a long time to get to \$250,000.

Mr. Boyd said this is only project the County has like this to do, and if \$250,000 will cover it, then he thinks it should be done.

Mr. Rooker agreed.

Mr. Snow commented that he thought the money was already allocated and set aside.

Mr. Benish explained that it is allocated and set aside for this type of project, but no final decision to allocate it to this specific project has been made up to now.

Ms. Mallek said she needs to get updated costs. For example, last year all of the \$100,000 projects in the White Hall District became \$400,000 projects.

Mr. Davis said that the Board would need to adopt a resolution that has not yet been prepared, so staff would just need direction to bring it forward.

Mr. Boyd **moved** to direct staff to prepare a resolution to move forward with the Brocks Mill Road Rural Addition project within the \$250,000 available funds. Mr. Thomas **seconded** the motion.

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

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

NAYS: None.

Ms. Mallek asked if there are enough funds in the County's allocation to do Patterson Mill Lane and Gillums Ridge Road.

Mr. Benish said that in the sixth year the Board has \$345,000 to put toward a project or any additional revenue sharing the County might apply for. If the Board feels these are projects worthy of

doing, staff recommends that they be included on the County's priority list, but the priority list is pretty extensive and already has several unpaved road projects that have not yet been funded.

Ms. Mallek asked if Patterson Mill was a maintenance paving project.

Mr. David Crimm of VDOT, explained that the funding for maintenance paving is something that comes out of the regular maintenance budget for work done out of the entire residency, and Patterson Mill could certainly be considered for that.

Mr. Boyd asked if the Board should update the priority list of unpaved roads to reflect conditions that may have changed a road's status, such as the road Mr. Snow dealt with regarding partial paving. He added that he is not in support of rearranging the priorities, but there may be conditions to change their status.

Mr. Benish said that staff has not identified anything significant in terms of changes this year, but would take another look. He also said that when the Board makes a commitment to fund unpaved roads then staff works through the list and makes contacts with the residents to assess interest in the project; if there is no interest, the County moves onto the next. Mr. Benish noted that there are no state-allocated unpaved road monies, and what is available to the Board based on what their priorities are is the \$345,000 in the sixth year of this plan and perhaps revenue-sharing funds in the future or other sources such as some line items in the six-year secondary plan. The issue is, there are just very little monies to move forward and staff is looking for direction of where the Board wants them to go. He said that if unpaved roads are a new emphasis for the Board then he and VDOT staff could come back with a plan for those projects.

Mr. Rooker commented that it is not really a new emphasis on unpaved roads, and it needs to be understood that the money is so limited that the approach should be looking year by year at both lists and seeing what can be done for the money. He also asked if there is any money from the State being allocated for sidewalks. Ms. Kilby indicated that there is not. Mr. Rooker said that it would have to come out of secondary road funds, and when something like the Sunset Avenue petition comes forward, it would also take funds from the six year road funding.

Mr. Cilimberg summarized the Board's discussion, stating that they want to do Brocks Mill Road using the money reserved for it, the Broomley Road Bridge is a priority to get done as soon as possible, which leaves \$345,000 in the sixth year of the plan for the Board to tell staff where they want to put it.

Mr. Benish commented that Meadow Creek, Jarmans Gap, and Georgetown Road are in the process of being funded, with Proffitt Road and Sunset Avenue coming up next. He said that staff could work with VDOT to see how the \$1.5 million in revenue sharing matching funds might fund over the next five years of the plan.

Mr. Snow said that is good information to have so that next year if the Board talks about adding one-half cent to the tax rate, it could tell the voters specifically what would happen with the money.

Mr. Benish reiterated that the Board still needs to tell staff what their expectations would be out of the priorities established.

Mr. Rooker said that it really needs to be clarified by Mr. Benish and Ms. Kilby what else there might be available in addition to the \$345,000 in order to select projects that can be done within a finite amount of money.

Mr. Benish stated that staff would bring back a plan that assumes participation in revenue-sharing with the state and see how that might apply to Proffitt Road and Sunset Avenue, as well as looking at strategically addressing some of the unpaved road projects.

Mr. Rooker then **moved** to authorize staff to file an application for Revenue Sharing funds with a County match of up to \$1.5 million with the Broomley Road Bridge project as the top project. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Kilby then introduced Mr. Greg Banks, stating that he came to her office from the Luray residency, grew up in Madison, and lives in Rappahannock County now.

Mr. Banks presented a booklet that he has developed to provide a tool that the Board can use in understanding road procedures and funding. He noted that the \$345,000 the Board has been discussing comes from telecommunication fees for their equipment being located inside VDOT right of ways; the funds are then totaled and divided amongst counties based on 80% population and 20% of geographical size.

Mr. Banks reported that there is about 866 miles of secondary roads as of 2009 in Albemarle, and of that about 676 miles are currently paved leaving 190 miles of gravel roads. He said that approximately 144 miles are eligible for hard surfacing, which means they carry at least 50 vehicles per day. Mr. Banks presented some "generic estimates" of road costs, noting that based on recent bids the cost is about \$400,000 for a rural rustic project.

He also reviewed last year's six-year secondary plan and said that top priorities in order are 1) Meadow Creek Parkway, which is funded and under construction; 2) Jarmans Gap, which has some funding coming on in years two and three and has already been advertised; 3) Georgetown Road, which received bids on March 23, 2011; 4) Advance Mills Road, which has been completed and will soon drop off the plan; 5) Dry Bridge Road, which would be funded through federal bridge funds; 6) Hillsdale Drive, which has also been completed and would drop off the plan; 7) a corridor study on Route 29, which has been completed; and 8) Broomley Road Bridge, which would be funded with secondary monies and federal bridge funds. He mentioned that Black Cat Road (Route 616), Dick Woods Road (Route 637), and Dickerson Road (Route 606) all have federal bridge funds and could be programmed in the six-year plan with an addendum even though they do not have full funding.

Ms. Mallek asked if the Dickerson Road monies could be moved over to Broomley Road, since Dickerson's price tag is about \$15 million. Mr. Banks responded that the funds are being held at the Central Office and the district level cannot transfer those funds.

Mr. Rooker emphasized that the County's goal is to get projects done as quickly as possible rather than scattering money around projects and maybe getting a project done in eight years instead of two.

Ms. Kilby mentioned that there is also design time and right-of-way acquisition needed for these projects, and it does not do any good to fund projects if the plans cannot be completed and/or the right-of-way purchased.

Ms. Mallek said that she understood that the Broomley Bridge design is already done.

Ms. Kilby stated that the project still needs some environmental permits and some right-of-way needs to be purchased – which could take between eight months and a year. It is not something that can be done today.

Ms. Mallek said that if people knew what was needed, there would likely be landowners who would be willing to give up land. The project seems to have gone in a black hole.

Ms. Kilby said she will try to get the Location and Design Engineer to provide an update on the project and the plans.

Mr. Rooker said the Board's goal is to allocate money to a project, get it done as quickly as possible and move on to the next project. He reiterated that the design issue for Broomley Road has been going on for a long time.

Ms. Kilby said that VDOT is trying to program schedules based on manpower and how quickly projects can get done, and then assign the funding to get them completed. Hopefully the County will see a little change in the scheduling.

Mr. Banks reported that next line items are County-wide cost center items that are not project-specific, such as traffic calming, right of way engineering, traffic services, fertilization/seed, and rural additions. He added that pipes and entrances would be absorbed into maintenance. He presented a list of all secondary roads in the County with a start and end for each segment, the length of the segment, the traffic count on that segment, and the date the County was collected. Mr. Banks said that the chart also designates paved and unpaved, noting that a few segments highlighted have projects on them that have been identified in the six-year plan. He mentioned that Rio Mills Road is the most heavily traveled gravel road in the County. He also noted a spreadsheet showing all segments of County roads that have a functional classification of major collector or greater, meaning they are eligible for federal funds if those monies are available. Mr. Banks stated that the booklet also includes County road projects even if there is not funding allocated yet. He mentioned that one section includes information on the Code section relative to the six-year plan, why VDOT does a six-year plan and how often the plan has to be done. He noted one paragraph in this section which states that if a County Board were to decide to remove a six-year plan project after VDOT has invested money into preliminary engineering and right-of-way the locality could be liable to pay back those expenditures.

Mr. Banks said that there is one section within the booklet that explains how to proceed to document support among residents for a road project and right-of-way allocation, prior to beginning work on that project. The last section of the booklet is a highway map of the County depicting the location of all the County's priorities.

Mr. Rooker mentioned that the Mr. Allan Sumpter was going to advocate for "over-paving" the shoulders on Georgetown Road as there are no bike lanes on it, so that it creates a bit of a safety cushion.

Ms. Kilby responded that she would bring it to the builders' attention, although she is fairly certain there is some paved shoulder already.

Agenda Item No. 10. **Work Session:** 2011 Proposed Redistricting Plan Options.

The following executive summary was forwarded to Board members:

On March 2, 2011, the Board approved the Redistricting Guidelines, hereinafter, the "Guidelines", to be used in preparing the 2011 redistricting plan and directed staff to develop an implementing

ordinance for its consideration and adoption. Census data has been received and analyzed by County staff and staff has developed two redistricting plan options. The Plan 1 option attempts to maximize consistency with the approved Guidelines. The Plan 2 option is similar to the Plan 1 option but makes boundary adjustments between the Rivanna and Scottsville Magisterial Districts requested to be considered by a Board member and attempts to maximize the consistency of those boundary changes to the approved Guidelines.

This section summarizes the Census data, analyzes the two redistricting plan options, reviews the two plans' compliance with the Guidelines and concludes with a discussion of the remaining schedule to assure that an approved plan is timely precleared by the Department of Justice under the Voting Rights Act prior to the 2011 elections.

Census data

The 2010 Census data establishes the County's population to be 98,970, broken down by magisterial districts as follows:

Magisterial District	Total Population	Ideal Population	Difference from Ideal	Percentage Difference from Ideal
Jack Jouett	14,563	16,495	-1932	-11.71%
Rio	15,682	16,495	-813	-4.93%
Rivanna	17,425	16,495	+930	+5.64%
Samuel Miller	15,136	16,495	-1359	-8.24%
Scottsville	19,018	16,495	+2530	+15.30%
White Hall	17,146	16,495	+651	+3.95%
Total Population	98,970	98,970		

One of the requirements of the redistricting process is to rebalance the populations within each magisterial district to establish population equality among them as nearly as practicable, with a goal of having a deviation in population not to exceed +/-5% (absolute population equality is the "ideal population"), while maintaining consistency with the other Guidelines.

Proposed Redistricting Plans

Following are summaries of Plans 1 and 2. Because the two plan options vary from one another only within the Rivanna and Scottsville Magisterial Districts, a single analysis of each district is provided below, highlighting the changes to district and precinct boundaries and changes to polling places. Additional analysis of Plan 2 is provided for the Rivanna and Scottsville Magisterial Districts. Maps of Plan 1, which include breakout maps highlighting each of the changes to the magisterial district and precinct boundaries and the changes to polling place locations, are included as Attachment A. A map of Plan 2, showing the differences in the Rivanna and Scottsville magisterial districts under that plan, and a breakout map, are included as Attachment B. An analysis of both Plan 1 and Plan 2 compliance with the Guidelines is included as Attachment C.

The following table shows how the population would be distributed under Plans 1 and 2.

Magisterial District	Current Population (2010 Census)	Ideal Population	Current Difference from Ideal	Revised Population	Revised Difference from Ideal
Jack Jouett	14,563	16,495	-11.71%	17,007	+3.10%
Rio	15,682	16,495	-4.93%	16,807	+1.89%
Rivanna	17,425	16,495	+5.64%	16,300 (Plan 1) 16,915 (Plan 2)	-1.18% (Plan 1) +2.55% (Plan 2)
Samuel Miller	15,136	16,495	-8.24%	16,039	-2.76%
Scottsville	19,018	16,495	+15.30%	16,622 (Plan 1) 16,007 (Plan 2)	+0.77% (Plan 1) -2.96% (Plan 2)
White Hall	17,146	16,495	+3.95%	16,195	-1.82%

Jack Jouett

District boundary: The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north, U.S. 29-Route 250 by-pass on the west, and Fontaine Avenue and the City boundary line on the south) of the Samuel Miller Magisterial District would be added to the Jack Jouett Magisterial District (University Hall precinct) (see Attachment A-1). This change would increase the population of the magisterial district by 2,444 persons.

Precincts: The reconfigured University Hall precinct would include the lands from the East Ivy precinct being moved from the Samuel Miller Magisterial District. The number of active registered voters (hereinafter, "voters") in the reconfigured University Hall precinct would increase by 1,003 to a new total of 3,006. The precinct would retain its name. The boundaries of the other precincts would remain the same.

Polling places: The polling place for the University Hall precinct would continue to be University Hall. The polling places of the other precincts would remain the same.

Rio

District boundary: The Briarwood and Camelot subdivisions within the Hollymead precinct of the Rivanna Magisterial District would be added to the Rio Magisterial District (Northside precinct) (see Attachment A-2). This change would increase the population of the magisterial district by 1,125 persons.

Precincts: The reconfigured Northside precinct would include the Briarwood and Camelot subdivisions moved from the Rivanna Magisterial District and the number of voters in that precinct would increase by 677 to a new total of 2,769. The increase in the number of voters in the Northside precinct would require the addition of one voting machine. The boundaries of the other precincts would remain the same.

Polling places: All of the precincts, including Northside, would retain their current polling places. The polling place for the Northside precinct is the Earlysville Volunteer Fire Station.

Rivanna

District boundary: The Briarwood and Camelot subdivisions in the Burnley precinct would be moved to the Rio Magisterial District (see Attachment A-2). This change would decrease the population of the magisterial district by 1,125 persons.

Additional district boundary changes under Plan 2: The north-central portion of the Stone-Robinson precinct (bounded by Interstate 64 on the north, Milton Road on the west, the Rivanna River on the south and Limestone Creek, Route 250 and Black Cat Road on the east; this area is composed primarily of the Glenmore and Running Deer subdivisions and the area north of those subdivisions between Route 250 and Interstate 64 and is hereinafter referred to as the "Glenmore and Running Deer area") of the Scottsville Magisterial District would be added to the Rivanna Magisterial District (2,183 persons). The southeastern portion of the Keswick precinct (bounded by Louisa Road on the north and west and by Black Cat Road on the southwest) would be moved to the Scottsville Magisterial District (760 persons). The southwestern portion of the Free Bridge precinct (bounded by Route 250 on the north and east, the Rivanna River on the west and south, and Interstate 64 on the south and east) would be moved to the Scottsville Magisterial district (808 persons). For all of these changes, see Attachments B and B-1. These changes, including those under Plan 1, would decrease the population of the magisterial district by 551 persons.

Precincts: The Burnley precinct would be expanded to the south from the North Fork Rivanna River to Powell Creek/Lake Hollymead. This would correspondingly reduce the size of the Hollymead precinct. Even with the Briarwood and Camelot subdivisions being moved to the Rio Magisterial District, the current number of voters in the reconfigured Burnley precinct would be increased to 2,104 and the number of voters in the reconfigured Hollymead precinct would be decreased to 2,240. This proposed change allows a net reduction of one or two voting machines required for the two precincts. The Burnley precinct would be renamed the Baker-Butler precinct. The Hollymead precinct would retain its name. The boundaries of the other precincts would remain the same.

Additional precinct changes under Plan 2: The Keswick precinct would be reconfigured to include the Glenmore and Running Deer area being added from the Scottsville Magisterial District. The number of voters in the reconfigured Keswick precinct would increase by 1,164 to a new total of 2,482. The precinct would retain its name. The reconfigured Free Bridge precinct would lose 544 voters, decreasing the number of voters to 2,659.

Polling places: The polling place for the renamed Burnley (to become Baker-Butler) precinct would be moved from Northridge Community Church to Baker-Butler Elementary School, which is closer to the population center of that precinct. The polling place for the reconfigured Hollymead precinct would remain at Hollymead Elementary School. The polling places of the other precincts would remain the same.

Additional polling place changes under Plan 2: The polling place for the Keswick precinct would remain at Mount Zion Baptist Church. The polling place for the Free Bridge precinct would remain at the Elk's Lodge Hall.

Samuel Miller

District boundary: The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north; U.S. 29-250 by-pass on the west, and Fontaine Ave. and the City boundary line on the south) would be moved to the Jack Jouett Magisterial District (2,444 persons) (see Attachment A-1). The entire Yellow Mountain precinct of the White Hall Magisterial District would be added to the Samuel Miller Magisterial District (951 persons) (see Attachment A-3). The entire Porter's precinct of the Scottsville Magisterial District would be added to the Samuel Miller Magisterial District (2,396 persons) (see Attachment A-4). These changes would increase the population of the magisterial district by 903 persons.

Precincts: The number of voters in the reconfigured East Ivy precinct would decrease by 1,003 to a new total of 958. The precinct would retain its name. The boundaries of the Yellow Mountain precinct, added from the White Hall Magisterial District, would remain the same. The boundaries of the Porter's precinct, added from the Scottsville Magisterial District, would remain the same. The boundaries of the other precincts would remain the same.

Polling places: The polling place for the East Ivy precinct would continue to be The Miller Center. The

polling place for the Yellow Mountain precinct would continue to be Mount Ed Baptist Church. The polling place for the Porter's precinct would continue to be Yancey Elementary School. The polling places of the other precincts would remain the same.

Scottsville

District boundary: The entire Porter's precinct would be moved to the Samuel Miller Magisterial District (see Attachment A-4). This change would decrease the population of the magisterial district by 2,396 persons.

Additional district boundary changes under Plan 2: The Glenmore and Running Deer area (whose boundaries are described in the Rivanna Magisterial District Plan 2 analysis) of the Stone-Robinson precinct would be moved to the Rivanna Magisterial District (2,183 persons). The southeastern portion of the Keswick precinct (bounded by Louisa Road on the north and west and on Black Cat Road on the southwest) of the Rivanna Magisterial District would be added to the Scottsville Magisterial District (760 persons). The southwestern portion of the Free Bridge precinct (bounded by Route 250 on the north and east, the Rivanna River on the west and south, and Interstate 64 on the south and east) of Rivanna Magisterial district would be added would be added to the Scottsville Magisterial District (808 persons). For all of these changes, see Attachments B and B-1. These changes, including those under Plan 1, would reduce the population of the magisterial district by 2,970 persons.

Precincts: The eastern boundary of the Cale precinct would be moved from Route 20 South to Avon Street Extended. This would correspondingly increase the size of the Monticello precinct (see Attachment A-5). The number of voters in the reconfigured Cale precinct would decrease by 730 to a new total of 3,325 and the number of voters in the reconfigured Monticello precinct would increase by 730 to a new total of 2,188. This proposed change also allows a possible net reduction of one voting machine required for the two precincts. The boundaries of the other precincts would remain the same.

Additional precinct changes under Plan 2: The Stone-Robinson precinct would be reconfigured to include the southwestern portion of the Free Bridge precinct, and the southeastern portion of the Keswick precinct, both being added from the Rivanna Magisterial District. The number of voters in the reconfigured Stone-Robinson precinct would decrease by 636 to a new total of 2,069. The precinct would retain its name.

Polling places: The polling places of the remaining precincts would remain the same.

Additional polling place changes under Plan 2: The polling place for the Stone-Robinson precinct would remain at Stone-Robinson Elementary School.

White Hall

District boundary: The entire Yellow Mountain precinct would be moved to the Samuel Miller Magisterial District (see Attachment A-3). This change would decrease the population of the magisterial district by 951 persons.

Precincts: The boundaries of the remaining precincts would remain the same.

Polling places: The polling places of the remaining precincts would remain the same.

Compliance with the Redistricting Guidelines

Staff has reviewed the proposed changes under Plans 1 and 2 and has concluded that both plans comply with the Guidelines.

Magisterial District Guideline 1 requires the changes in the magisterial district boundaries to achieve population equality among the magisterial districts as nearly as practicable, and all of the reconfigured districts would be +/- 5% of the ideal population. Magisterial District Guidelines 2 and 3, which pertain to the Voting Rights Act, were considered in developing the two plan options. The classes protected under the Voting Rights Act continue to be fairly evenly distributed through-out the County's six magisterial districts. The changes to the populations of the protected classes within the current magisterial districts under either plan options are extremely minor and it is staff's opinion that none of the proposed boundary changes would have the effect of denying or abridging the right to vote on account of race, color or status as a member of a language minority group (Magisterial District Guideline 2). Likewise, it is staff's opinion that none of the foregoing protected classes would lose voting strength under either plan option (Magisterial District Guideline 3).

Attachment C provides a detailed analysis of the plans' compliance with all of the Guidelines. Attachment D shows the demographics of the current magisterial districts and under the two plan options

Remaining Schedule

May 4 or 11: The Board will hold a public hearing on a redistricting plan and adopt the implementing ordinance.

Mid-May: After the Board has adopted the implementing ordinance, staff will submit the ordinance to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.

This schedule is intended to assure that all statutory requirements are met and the implementing ordinance is adopted in time for the County to obtain a preclearance under Section 5 of the Voting Rights

Act with sufficient time to allow the General Registrar to meet-election related deadlines. The preclearance process requires at least 60-90 days from the date the Board adopts the redistricting ordinance. Once preclearance from the Department of Justice is obtained, the General Registrar will send notices to voters about their magisterial district, precinct and polling place as required by State law prior to the November 2, 2011 general election. The General Registrar also must meet other election-related deadlines such as mailing out absentee ballots. In addition to the November 2011 general election, it is possible that primary elections could be sooner.

The cost of the redistricting process is already incorporated into various offices' and departments' workplans. When the redistricting process is completed, the General Registrar will incur the cost of mailing new voter registration cards. This cost will be approximately \$38,000 and it is already included in the budget.

Redistricting will result in the need to add one voting machine under either plan option. However, as explained below, State district boundaries could require additional voting machines in the reconfigured University Hall and Stone-Robinson precincts.

The proposed change under both plan options is to move the eastern portion of the East Ivy precinct in the Samuel Miller Magisterial District to the Jack Jouett Magisterial District (University Hall precinct), and under Plan 2 the proposed change is to move the southern portion of the Free Bridge precinct in the Rivanna Magisterial District to the Scottsville Magisterial District (Stone-Robinson precinct). These changes could result in the reconfigured University Hall and Stone-Robinson precincts being split by the current configurations of the 57th and 58th House of Delegates districts if those two precincts remain split by the 57th and 58th districts after State redistricting. If the districts remain split, it is likely that additional costs will be incurred from adding one or two elections officers and one or two additional voting machines.

Staff requests that the Board consider the two plans and direct staff to proceed to public hearing on May 4th on one plan and the implementing ordinance to establish the magisterial district and precinct boundaries and to designate the polling places for each precinct.

*Same map for Plan 1 and Plan 2

Mr. Davis reported that the purpose of the work session is to introduce the redistricting plans that have been prepared by a working committee consisting of Jake Washburne and Clarice Schermerhorn from the Registrar's Office; Tex Weaver, Rod Burton and Damon Pettitt from Community Development; and Mr. Davis and Mr. Kamptner from the County Attorney's office.

Mr. Davis explained that every ten years a decennial census is taken that results in producing new numbers for each locality. A federal and state requirement is for localities to undertake a redistricting process whereby the population among each magisterial district must be equally divided as nearly as practical with a goal to not have a deviation of plus or minus 5% from the ideal population. He said that it is also required that this redistricting plan not change any boundaries that would have the effect of denying or abridging the right to vote on account of race, color, or status as a member of language minority group, and that no protected class has its voting strength diluted. Mr. Davis noted that the Board adopted in March a set of redistricting guidelines that included those federal and state mandates as well as other legal requirements and other policy considerations that were important to the Board in establishing the process.

He said that staff has received the Census data. The population in the County increased by approximately 15,000 people – bringing the total population to 98,970 according to the Census, with the ideal population for each magisterial district at 16,495. Mr. Davis noted that each district deviates from the ideal population, with Jack Jouett being 11.7% below the ideal and Scottsville being 15.3% over the ideal and other districts somewhere in between.

Mr. Davis reported that the committee put together two plans and provided an analysis of how they meet the redistricting guidelines adopted by the Board. He explained that Plan 1 met all of the guidelines to the extent practicable; Plan 2 deviates only in some changes to the border between the Scottsville and Rivanna districts. Mr. Davis suggested reviewing Plan 1 and then talking about the differences between that plan and Plan 2, emphasizing that the House and Senate plan for redistricting may impact the plan. He said that they would also present information from the Registrar's office on the cost of some split House and Senate districts that appear to be unavoidable under Plan 1 and may be required under Plan 2.

Mr. Davis explained that the Rio District needed to gain population. There was an anomaly from the last redistricting that left the Briarwood and Camelot Subdivisions on the west side of Route 29 whereas the rest of the district was on the east side of Route 29. He said that one of the criteria in the guidelines is to have identifiable geographic boundaries, and Route 29 makes a very clearly identifiable boundary. Mr. Davis indicated that moving the 1,125 people in those neighborhoods from Rivanna into Rio achieved the population equalization required by Rio with no additional changes and preserved all other precincts and boundaries, preserved all voting and polling places, and made no other changes to populations in that district. He also said that it would result in Briarwood and Camelot Subdivisions becoming part of the Northside precinct and they would vote at the Earlysville Volunteer Fire Station.

Mr. Davis reported that the White Hall District needed to lose a small percentage of population and was the closest to ideal starting out, so the Plan 1 recommendation is to take the Yellow Mountain

precinct of 951 people and move them to the Samuel Miller District – achieving a less than 2% deviation from ideal population.

Mr. Davis said that the Jack Jouett District required the greatest shift in population – over 11% under and needed to gain the most people – and the most logical place to find the population was in the East Ivy precinct in the Samuel Miller District, which had close proximity to the University. He stated that the boundary line the committee found most identifiable and logical was the Route 29 and Route 29/250 lines, but it would create a split precinct for the House election precincts between the 58th and 57th districts. Mr. Davis stated that they thought it might be fixed during the House redistricting plan, but they only achieved part of the objective. The committee's proposed Plan 1 would have included the boundary as shown on the map before the Board. It would have established a hard line at Route 29, and would have balanced the population within 3.1% of the ideal, and no other changes would be required in the Jack Jouett District. He will discuss that further later.

Regarding the Samuel Miller District, Mr. Davis explained that a couple of changes were needed under the plan – with the East Ivy plan taking 2,444 persons away from Samuel Miller to balance Jack Jouett District, additional people were needed to balance the Samuel Miller District numbers. As he mentioned previously, Mr. Davis said that the Yellow Mountain District was the most logical area to be taken away from White Hall and switched to the Samuel Miller (951 persons), and the next logical place that met all the criteria best in the redistricting plan was the Porters precinct in the Scottsville District – which had 2,396 people in it and if shifted in its entirety brought the Samuel Miller District population to within 2.76% of the ideal. He stated that the numbers transferred from Porters is almost the exact number of people needed to reduce the Scottsville population from the excess over the ideal, bringing it within just .77% of the ideal.

Mr. Davis said there were some questions as to why the committee could not look elsewhere to shift the population from Scottsville to Samuel Miller. Mill Creek is another area with a high population, but shifting that way would have required splitting a precinct and disenfranchising a sitting School Board member from his district – as well as splitting some areas that were considered a community of interest. After looking at those factors, the Porter's precinct was the best fit of all criteria that would achieve almost the ideal population shift required to meet the criteria for equalized population.

Mr. Davis said the committee also suggests that in the Rivanna District there be a new polling place relocated to the Baker Butler School. Currently the Burnley precinct has a polling place at the Northridge Community Church; based on criteria for polling places, Baker Butler has better access, more room, and is in a public building – all guidelines the County strives to meet. That change is recommended under both plans. Mr. Davis reported that the Cale voting precinct in the Scottsville District is very large – with over 4,000 voters; the ideal is to try to have 2,500 voters. There was a proposal to shift the precinct line in the Cale District so it would be balanced between the Monticello High School voting place and the Cale voting place in order to meet the overpopulated conditions. Mr. Davis said that the proposed House redistricting plan adds the entire Cale precinct to the 57th House District instead of the 58th, which would create a split precinct under Plan 1, so the committee will probably recommend that the precinct remain intact for the time being. He added that it may require adding another voting machine in that precinct.

Mr. Davis completed the highlights of Plan 1. The committee believes that Plan 1 meets all of the criteria to the best they could determine without making changes to existing communities of interest and making the least boundary adjustments that meets all of the criteria. He added that the Board also has a Plan 2 in front of it. Plan 2 is very similar to Plan 1, with the basic difference being the boundary between the Scottsville and Rivanna districts. He explained that it balances the population of adding the Glenmore and Deerwood areas currently in the Scottsville District by moving them into the Rivanna District. The population is then balanced by taking an area currently in the Rivanna District that is south of Route 250 at Pantops and moves it to the Scottsville District and also moves the East Keswick area from Rivanna into Scottsville. Mr. Davis said that the result of those moves creates a population balance that is approximately 2.55% from the ideal; under Plan 1 it is 1.18% from the ideal.

Mr. Davis stated that Plan 2 meets all of the guidelines that the Board has in the proposed redistricting guidelines, but there are some variations from those criteria that are more significant than under Plan 1. He said that it does not preserve the boundaries in the same way as Plan 1, and potentially the Pantops area would be divided by the Route 250 boundary line and be divided between two magisterial districts. Likewise in the Keswick area, the East Keswick area is split from the remaining area that is the Keswick precinct. Mr. Davis stated that in both cases there would arguably be a splitting of a community of interest, and also creates two additional issues not created by Plan 1 for splitting precincts. He said that taking the area south of Route 250 would split the precinct, as the Free Bridge area is in the 57th House District and the Stone Robinson area is in the 58th House District – which did not change in the House redistricting plans. Mr. Davis said that the proposed Senate redistricting plan leaves the Stone Robinson and Keswick precincts in different Senate districts, so there would always be split precincts in the proposed 17th Senate District and the 25th and would actually create three different splits because of the way the boundaries are drawn under Plan 2.

Mr. Davis said that Mr. Greg Kamptner will next go over some other impacts from the Senate and House redistricting plans. Basically under both plans there would be three split precincts caused by the Senate redistricting – in Woodbrook, Jack Jouett and Stony Point – and under the House Plan in East Ivy and Cale, as well as a split of Stone Robinson precinct at Pantops under the House plan and in three places under the Senate proposed redistricting plan.

Mr. Kamptner said that the House and Senate plans were released Monday and the final vote would be held tomorrow. He added that local representatives are aware of the County's concerns. In

terms of the split Woodbrook precinct, he reported that the line proposed runs from Northfield Circle onto Northfield down to Huntington and then jogs to the northwest on Carrsbrook, turns left at Westmoreland and up at Berwick, then follows an unidentified boundary that connects with a stream that connects a few of the ponds within the neighborhood and exits onto Route 29 between the Gardens and Woodbrook shopping centers.

Within Jack Jouett, he reported, the line follows Woodlands Road and then veers off before connecting with Jumping Branch – meandering down to the South Fork Rivanna River and continuing along Ivy Creek, jumping to Ipswich Place and connects and follows Lambs Road; which splits the precinct between the 17th and 25th precincts.

Mr. Davis added that the Senate plan creates a new district for Ed Houck that includes the City of Fredericksburg, about 70,000 people in the County of Spotsylvania and stretches into Albemarle County picking up about 25,000 people including part of the Jack Jouett District, part of Woodbrook, and part of Stony Point.

Mr. Kamptner stated that along Barracks Road, the line leaves Barracks Road and goes up through Montvue, then turns right on Magnolia Drive, picks up part of Old Forge Road, then connects with a power line as it returns to the Georgetown/Jack Jouett precinct split.

For the University Hall issue, Mr. Kamptner reported that the boundary that appears in the proposed House plan is based upon a segment of Edgemont Road, wraps around McCormick Observatory then picks up near Scott Stadium on Vonn Drive. He stated that the split there is a discrepancy of a population of 540 between the County's proposed plan and the House plan. Staff's recommendation would be to accept the proposed House line, although the committee feels that staff's proposed line along Route 29 makes more sense – as the shift in population balances the University Hall and East Ivy precinct sizes.

Mr. Davis said that the committee has suggested to the House delegation that that adjustment should have been made, but it does not look like that would happen. If the County's mapping is correct, the House plan may actually split two or three dormitories in half. He stated that in order to avoid a split precinct and cost implications under either plan, the County would have to align with the House delegation's plan, but the County will suffer the identifiable geographic boundary.

Mr. Rooker commented that splitting dorms and jutting across property where there is no road is ridiculous.

Ms. Mallek added that it also increases voter frustration, as they will give up after trying to find their voting place.

Mr. Davis said that the State is going with Census blocks that may make more sense on a map than they do on the ground, and the timing is such that it is difficult for them to make changes at a detailed level. He stated that statewide there may be as many as 680 split precincts that are created by the House and Senate plans, which is a significant problem for localities that may not be avoidable.

Mr. Boyd asked if the local plans could be tweaked if this stays the way it is.

Mr. Davis responded that it looks totally unavoidable for the Jack Jouett, Stony Point and Woodbrook split precincts that are caused by the Senate plan and East Ivy can likely be fixed by adjusting the line.

Mr. Kamptner pointed out that the current precinct boundary line for Monticello and Cale is Scottsville Road, and because of the size of the Cale precinct staff's Plan 1 recommended moving the boundary over to Avon Street Extended. He stated that with the House redistricting plan, using Scottsville Road as a boundary, the result would be a split Monticello precinct. Mr. Kamptner said that staff's recommendation is to deal with the size of the Cale precinct at a later time and that the precinct boundary between the two be moved back to its current alignment along Scottsville Road to avoid a split precinct there. He then presented a map showing the Rivanna District and the Stony Point precinct, noting that the conflict begins along Polo Grounds Road – as the boundary line goes up and down Proffitt Road, picks up part of the Rivanna River and extends eastward until it connects with Stony Point Road and Route 20 – then drops down Route 600 and dips down to a ridge line, and then meeting up with the other precinct boundary.

Mr. Kamptner stated that those are the split precincts resulting under both Plan 1 and Plan 2. The next map he showed highlighted the issues arising only from Plan 2 – specifically the conflicts that arise along Route I-64. He explained that a portion of the Stone Robinson precinct would be moved from Free Bridge, and the House 57th and 58th as well as the Senate districts 17th and 25th would be within that location. In Keswick, he said, the split would be within those Senate districts also. In addition, in the far east portion of the County, in the Stone Robinson precinct, the extension north of I-64 creates a split precinct between the 17th and 25th Senate districts.

In summary, Mr. Davis stated the committee does not think that Woodbrook, Jack Jouett and Stony Point precincts can be fixed under either plan. The committee proposes to fix the East Ivy and Cale precinct splits by making the adjustments as described. That would leave three split precincts under Plan 1. Under Plan 2, he said, there would be an additional House split with Stone Robinson and Free Bridge and a Senate split between Keswick and Stone Robinson. Mr. Davis said Mr. Washburne would now speak about the implications of the split precincts and associated costs.

Mr. Washburne addressed the Board, stating that they put a quick cost estimate together late yesterday afternoon after receiving the House and Senate plans. He said that the split precinct in University Hall would probably cost an extra \$400 in additional election officers and an additional \$425 in programming the voting machines to put up two ballots as well as an additional \$150 for printing absentee ballots for a total of about \$1,000. To operate a larger split precinct such as Monticello, the cost would be approximately \$1,200. Running Stone Robinson as a split precinct would be more expensive because three ballot styles would need to be presented to voters depending on where they live in the precinct. The voting machines can be programmed to present two different ballot styles but they cannot be programmed to present three different styles. Plan 2 would require six voting machines in that precinct.

Mr. Washburne stated that under Plan 1, in conjunction with House and Senate plans, the additional costs with the five split precincts would be \$5,600; under Plan 2 with the addition of Keswick and Stone Robinson split precincts, the estimate is about \$9,800. He said this raises the question of how to reduce the number of split precincts and Mr. Davis and Mr. Kamptner have presented information on how to achieve this. Under Plan 2 there would be three Senate precincts plus Keswick and Stone Robinson for a total of five precincts. Under Plan 1, with the split precincts, he said, there would need to be 98 voting machines; for Plan 2 there would be 100 voting machines needed.

Mr. Rooker asked if anyone was in support of Plan 2, noting that it does not seem worth pursuing.

Mr. Boyd said that he had a conversation with Mr. Davis yesterday and agrees with dropping Plan 2 as an option.

Mr. Dorrier said that he also agrees with dropping Plan 2.

Mr. Davis stated that the staff recommendation is for the Board to choose a plan. If Plan 1 is that option then he is confident in saying that it does not affect, deny, or abridge the right to vote based on race, color or status and does not dilute minority voting strength. He said that staff recommends bringing Plan 1-A to public hearing, which would conform the East Ivy precinct to the House district boundary as well as the Cale precinct to the House district boundary – and any changes at the State level would be known before the plan has to be advertised. Mr. Davis stated that the redistricting public hearing is recommended for May 4, as there is a very compressed time schedule that must be met in order to have the Voting Rights Act preclearance approved prior to deadlines for the November and August election cycles.

Mr. Rooker then **moved** to direct staff to proceed to public hearing on May 4, 2011 on Redistricting Plan 1A and the implementing ordinance to establish the magisterial district and precinct boundaries and to designate the polling places for each precinct.

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

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

Mr. Davis expressed his appreciation to staff for pulling together a great amount of information in a very tight timeframe. They did a great job in making a very complex process a little less complex.

Agenda Item No. 11. Community Development Work Program.

Due to the time, this item was moved to the afternoon portion of the meeting.

Agenda Item No. 12. Closed Meeting.

At 1:28 p.m., Mr. Thomas offered **motion, seconded** by Mr. Rooker, that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions.

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

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

Agenda Item No. 13. Certify Closed Meeting.

At 2:05 p.m., **motion** was offered by Mr. Thomas, **seconded** by Mr. Rooker, to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

Agenda Item No. 14a. Boards and Commissions: Vacancies/Appointments.

Motion was offered by Mr. Snow to make the following appointments/reappointments:

Appoint Tom Weaver to the Pantops Community Advisory Council with said term to expire June 30, 2013.

Appoint Drew Lawrence to the Places 29 Community Advisory Council with said term to expire January 31, 2013.

Appoint Steve Runkle to the Village of Rivanna Community Council with said term to expire March 31, 2013.

Appoint Amanda Moxham to the Workforce Investment Board with said term to expire June 30, 2011.

Reappoint Brad Sheffield to the CHART Committee with said term to expire April 3, 2014.

Reappoint Constance Palmer, Dr. Richard Lindsay, and Jean Wyant to JABA with said terms to expire March 31, 2013.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 15. Set Calendar Year 2011 Tax Levy.

The following executive summary was forwarded to Board members:

On March 30, 2011, a public hearing was held on the Board of Supervisors' proposed budget for FY 11/12. A public hearing also was held on the calendar year 2011 tax rates.

The resolution to set the calendar year 2011 (tax year) tax rates must be approved by April 15, 2011; however, adoption of the tax rate at the April 6th meeting would assist in the timely printing and mailing of the tax bills that are due on or before June 5th.

The resolution sets the tax rates for calendar year 2011. The proposed rates are set at \$0.742/\$100 assessed valuation for real estate, public service, and manufactured homes and at \$4.28/\$100 assessed valuation for personal property, including machinery and tools.

Staff recommends adoption of the attached resolution to set the proposed calendar year 2011 tax rates.

Mr. Foley reported that the attached resolution sets the tax rates for 2011 at \$0.742/\$100 of assessed value for real estate, public service and manufactured homes; and a \$4.28/\$100 assessed value for personal property including machinery and tools. He said that staff recommends approval of the resolution, which will set the rates for 2011.

Mr. Snow **moved** to adopt the resolution to set the proposed calendar year 2011 tax rates as presented. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

Mr. Thomas thanked staff for all of their hard work.

RESOLUTION TO SET CALENDAR YEAR 2011 TAX RATES

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2011 for general County purposes at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of real estate; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

FURTHER orders that the Director of Finance of Albemarle County assess and collect the taxes on all

taxable real estate and all taxable personal property.

Agenda Item No. 16. Adoption of FY 2011/2012 Operating and Capital Budgets.

The following executive summary was forwarded to Board members:

On February 25th, the County Executive presented his Recommended FY 11/12 Operating and Capital Budgets to the Board of Supervisors. On March 2nd, the Board held a Public Hearing on the Recommended Budget and then held three public Work Sessions. On March 15th, the Board authorized the advertising of a \$0.742/\$100 real estate tax rate for the 2011 Tax Year. On March 30th, a Public Hearing was held on the Board of Supervisors' Proposed FY 11/12 Operating and Capital Budgets and on the Calendar Year 2011 Tax Rates.

The FY 11/12 Operating and Capital budgets total \$304,473,215. This total is a reduction of \$394,850 from the proposed FY 11/12 Operating and Capital budgets of \$304,866,065 that was included in the Notice of Public Hearing in the Charlottesville Daily Progress on March 20. The reduction of \$394,850 is due to a change made by the School Division to its operating budget due to recent General Assembly action which lowered the Virginia Retirement System (VRS) rate by ½ percent. The FY 11/12 Operating and Capital budgets in the amount of \$304,473,215 reflects the County Executive's Recommended Budget, the VRS-related change described above, other changes made during the Board's work sessions, and a final adjustment to the School Division's state revenues based on information provided by the State over the past two weeks.

The other changes are summarized below:

- Items funded from the General Fund Reserve for Contingencies:
 - Part-Time position at Crozet Library totaling \$15,414;
 - One-time funding for the Hatton Ferry totaling \$5,000;
- One-time transfer of \$484,222 from the reserve in the FY 12 General Fund for the operation of the Ivy Fire Station to the Capital Improvement Program (CIP) for the Revenue Sharing Road Program. It is important to note that since this is a one-time use of this reserve in FY 12, the funding for the Ivy Fire Station's operating costs will be continue to be available in FY 13.
- Increased State Revenue to the School Fund totaling \$2,293,498; and
- Increased use of the School Division's Fund Balance for the School's operating budget in the amount of \$1,101,248.

The resolution formally approves the FY 11/12 Budget. Attachment A to the Resolution details the adjustments made to the County Executive's Recommended Budget.

Staff recommends adoption of the FY 11/12 Budget Resolution approving the FY 11/12 Operating and Capital Budgets as recommended by the County Executive and amended by the Board of Supervisors.

Mr. Foley reported that the FY12 budgets total \$304,473,215, which has been adjusted based on reductions in VRS rates, additional State revenues and changes the Board has made throughout the process. He said that the resolution will formally adopt the FY12 budget based on the actions taken up to this point.

Mr. Dorrier **moved** to adopt the FY 11/12 Budget Resolution approving the FY 11/12 Operating and Capital Budgets as recommended by the County Executive and amended by the Board of Supervisors. Mr. Thomas **seconded** the motion.

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

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

NAYS: None.

**FY 2011/2012
BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2011 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors as detailed in Attachment A.
- 2) That the budget for the County for the Fiscal Year beginning July 1, 2011 is summarized as follows:

	FY 11/12 Adopted
Administration	\$10,129,050
Judicial	3,786,125
Public Safety	29,985,325
General Services	4,376,011
Human Development (including PVCC)	15,712,892
Parks, Recreation, and Culture	6,042,861
Community Development	6,008,232
Other General Government	1,111,342
General Government Special Revenue Funds	12,552,125
General Government Capital Projects	7,920,474
General Government Debt Service	4,192,225
Stormwater Improvements	104,500
Education - School Operations	140,647,850
Education - Self-Sustaining Funds	20,150,906
Education - Capital Projects	9,779,403
Education - Debt Service	13,160,451
City/County Revenue Sharing	18,089,812
Reserves	723,631
TOTAL	\$304,473,215

- 3) That the budget for the County for the Fiscal Year beginning July 1, 2011 as described in 1) and 2) above is approved.

Board of Supervisors' FY 11/12 Operating and Capital Budgets		
Changes from Recommended Budget		
GENERAL FUND EXPENDITURES		
	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
General Government Operations	80,572,680	
Subtotal, General Government Operations		80,572,680
General Government Additions		
JMRL - Crozet Library Position		15,414
Hatton Ferry		5,000
Subtotal, General Government Additions		20,414
Refunds	173,500	
Subtotal, Refunds		173,500
City Revenue Sharing	18,089,812	
Subtotal, Revenue Sharing		18,089,812
Capital Improvement & Debt Service Transfers	17,192,635	
Revenue Sharing Roads Program one-time transfer		484,222
Subtotal, Capital & Debt Transfers		17,192,635
Transfer for School Operations	97,245,582	
Subtotal, Transfer for School Operations		97,245,582
Contingency/Other	2,307,609	
Reserve for Contingencies Adjustment		-20,414
Reserve for Ivy Fire Station		-484,222
Subtotal, Contingency/Other		2,287,195
FY 11/12 GENERAL FUND EXPENDITURES	215,581,818	215,581,818
GENERAL FUND - REVENUES & FUNDING SOURCES		
	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
COUNTY EXECUTIVE'S RECOMMENDED BUDGET	215,581,818	
NO REVENUE ADJUSTMENTS		
TOTAL, Revenue & Fund Balance Adjustments		0
FY 11/12 GENERAL FUND REVENUES	215,581,818	215,581,818
SCHOOL DIVISION BUDGET		
	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
School Fund Operations	141,170,652	
State Revenue		2,293,498
Use of Fund Balance		1,101,248
Subtotal, School Fund Operations		144,565,398
Self-Sustaining Fund Operations	20,550,906	
Subtotal, School Self-Sustaining		20,550,906
FY 11/12 SCHOOL DIVISION BUDGET	161,721,558	165,116,304

CAPITAL IMPROVEMENTS BUDGET	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
General Government Projects	8,137,410	
Revenue Sharing Roads Project		484,222
Subtotal, General Government Projects		8,621,632
Storm Water Projects	104,500	
Subtotal, Storm Water Projects		104,500
School Division Projects	9,923,403	
Subtotal, School Division Projects		9,923,403
Debt Service	17,352,676	
Subtotal, Debt Service		17,352,676
FY 11/12 CAPITAL IMPROVEMENTS BUDGET	35,517,989	36,002,211
SPECIAL REVENUE FUND OPERATIONS	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
Special Revenue Funds	14,263,381	
Subtotal, Other Special Revenue Funds		14,263,381
FY 11/12 SPECIAL REVENUE FUND OPERATIONS	14,263,381	14,263,381
SUMMARY OF ALL FUNDS	FY 11/12 Recommended Budget	FY 11/12 Adopted Budget
General Fund	215,581,818	215,581,818
School Fund/School Self-Sustaining	161,721,558	165,116,304
Capital and Debt Service Funds	35,517,989	36,002,211
Special Revenue Funds	14,263,381	14,263,381
SUBTOTAL - ALL FUNDS	427,084,746	430,963,714
LESS INTERFUND TRANSFERS	(126,006,277)	(126,490,499)
TOTAL COUNTY BUDGET - ALL FUNDS	301,078,469	304,473,215

Agenda Item No. 17. **Public Hearing:** Request to amend the jurisdictional areas of the Albemarle County Service Authority for water service to Tax Map 62, Parcel 28A, for **John Vermillion**, located on the corner Stony Point Road (Route 20) and Cason Farm Road, approximately 1 mile north of the intersection of Stony Point Road (Route 20) and US 250. Rivanna Magisterial District. (*Advertised in the Daily Progress on March 21 and March 28, 2011*).

The following executive summary was forwarded to Board members:

The applicant is requesting ACSA Jurisdictional Area designation for water service to a 25 acre parcel with an existing single-family home. The parcel is located on the east side of Stony Point Road, just north of the Broadus Memorial Baptist Church site. The parcel is located within the designated Rural Areas (Rural Area 4) and is in the Rivanna Magisterial District.

The existing well serving the property began pumping muddy/red water over four years ago, requiring a significant filtering system to maintain a viable water supply. Due to the difficulties with operating and maintaining potable water from the existing well, the applicant drilled a new well to replace the existing well; however, the withdrawal from the new well produced the same quality of water, requiring significant treatment to provide potable water. The well driller does not believe that the muddy conditions with the new well are temporary or due to the construction of the wells and also is of the opinion that there is no other viable well location on-site where potable water can be assured. While this is a large parcel (25 acres), due to the topography of the property, the location of the house and septic system, and the necessary spacing of a well from surrounding development, the available area for a well on-site is a much smaller area (a 5-6 acre envelope).

This Jurisdictional Area request was received in early March and is being treated as an emergency request; therefore, this item has been scheduled for public hearing in April.

The Comprehensive Plan provides the following concerning the provision of public water and sewer service:

“General Principle: Urban Areas, Communities, and Villages are to be served by public water and sewer (p. 114).”

“Provide water and sewer service only to areas within the ACSA Jurisdictional Areas (p. 130).”

“Follow the boundaries of the designated Development Areas in delineating Jurisdictional Areas (p.130).”

“Only allow changes in the Jurisdictional Areas outside of the designated Development Areas in cases where the property is: 1) adjacent to existing lines; and 2) public health and/or safety is in danger (p. 130).”

Water and sewer services by policy are intended to serve the designated Development Areas where growth is encouraged and are to be discouraged in the Rural Areas because utility services are a potential catalyst for growth.

Water supply and system capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Areas result in further extension of lines from the fringe of the existing Jurisdictional Area and into the Rural Areas, potentially straining limited water resources and capacity.

Based on information provided by the well driller (in writing and discussions with staff), it is staff's opinion is that this request meets the intent of the County policies for providing service to properties in the Rural Area. The well filtration system is not a long term viable option for providing sustained well service to this site and there is an existing water line located along the frontage of Stony Point Road.

The property owner will bear the costs for the water connection.

After the public hearing, staff recommends that the Board amend the ACSA Jurisdictional Area to include Tax Map 62, Parcel 28A for water to the existing structures only (single-family residence and cottage).

Mr. David Benish, Chief of Planning, reported that the applicant is requesting an amendment to the jurisdictional area designation for water service for a 25-acre parcel with an existing single-family home; the parcel is located on the east side of Stony Point Road just north of the Broadus Memorial Baptist Church and just north of the Pantops development area boundary, in the rural area.

Mr. Benish stated that the Comp Plan policy for the provision of public water does allow for service to rural areas provided there is a health or safety issue and that the property is adjacent to existing lines. Based on the information provided by the well-driller, staff's opinion is that the request meets the intent of the County's policy for provision of service as the applicant has had fairly significant water quality issues.

Mr. Benish stated that staff recommends that the Board adjust the jurisdictional boundary for Tax Map 62, Parcel 28-A for water to exist in structures only.

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

Mr. Boyd **moved** to amend the ACSA Jurisdictional Area to include Tax Map 62, Parcel 28A for water to the existing structures only (single-family residence and cottage). Mr. Snow **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 18. Public Hearing: PROJECT: SP-2010-00023. Westminster Canterbury Apartments - Parking Structure (Signs #56:).

PROPOSED: Parking Structure.

ZONING CATEGORY/GENERAL USAGE: PRD - Planned Residential Development - PRD Planned Residential District, which allows residential (3-34 units/acre) with limited commercial uses. SECTION: 19.3.2(7) Parking Structure.

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses, Greenspace and Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development density) in Neighborhood 3.

ENTRANCE CORRIDOR: Yes.

LOCATION: This facility is proposed in the Westminster Canterbury Development which is located on the north side of Richmond Road (US Route 250) approximately 1,000 feet east of State Farm Blvd. (Rt 1117).

TAX MAP/PARCEL: 78-55A6.

MAGISTERIAL DISTRICT: Rivanna.

(Advertised in the Daily Progress on March 21 and March 28, 2011).

Mr. Bill Fritz, Chief of Current Development, reported that this special use permit is for a parking structure located at Westminster Canterbury, located on Route 250 East in the Pantops area. He stated that the proposal is to build a new structure that would go over the roadway with two levels of parking and residential units above, and the Planning Commission recommended approval of the project at their February 22, 2011 meeting with no conditions and very little discussion.

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

Mr. Boyd **moved** to approve SP-2010-0023. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 19. **Public Hearing: PROJECT: SP-2010-00028. Charlottesville KOA (Sign #72).**

PROPOSED: Special Use Permit to bring an existing campground into compliance with the Zoning Ordinance and to add six cabins.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
SECTION: 10.2.2 (20) Day camp, boarding camp.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots).
ENTRANCE CORRIDOR: No.
LOCATION: 3825 Red Hill Road (Rt. 708) approx. one mile northwest of Scottsville Road (Rt 20S) junction.
TAX MAP/PARCEL: 10100000052A1.
MAGISTERIAL DISTRICT: Samuel Miller.
(Advertised in the Daily Progress on March 21 and March 28, 2011).

Ms. Eryn Brennan, Planner, addressed the Board, stating that this is a special use permit application to bring an existing campground into compliance with the zoning ordinance and to construct six 15'x30' cabins, each with a sink and full bath, on existing tent sites. Because the campground predates the current zoning ordinance, the KOA is a legally nonconforming use.

Ms. Brennan stated that the campground has existed since 1966 and has 40 RV sites, 20 tent sites, and six cabins located onsite.

Ms. Brennan reported that Zoning and Community Development staff have determined that there is ample parking on the site to accommodate the campsites and cabins with no improvements required to the entrance; VDOT has also approved the site and the Department of Health has approved the sanitary facilities. County Engineering staff has determined that a central system is located on the site, which will be addressed in a separate action. Ms. Brennan said that staff and the Planning Commission have recommended approval with conditions as outlined.

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

Mr. Snow **moved** to approve SP 2010-0028 with the five conditions as presented. Ms. Mallek **seconded** the motion.

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

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

(The conditions of approval are set out below:)

1. Development of the use shall be in general accord with the conceptual plan titled "Concept Plan", prepared by the applicant and submitted November 15, 2010 (hereafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:
 - Location of the pool and pavilion, the store, the gameroom/laundry, the cabins, travelways, and bathhouse as shown on the Conceptual Plan. Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
 2. Written approval from Fire and Rescue Division shall be required prior to the issuance of a zoning clearance and the commencement of the use.
 3. Written approval from the Health Department shall be required prior to the issuance of a zoning clearance and the commencement of the use.
 4. The use shall conform to the requirements outlined by the Virginia Department of Health Bureau of Tourist Establishment Sanitation.
 5. All site lighting exclusively for camp use must either emit 3,000 lumens or less or be full cutoff fixtures. Lighting issues must be resolved prior to the issuance of a zoning clearance for commencement of the use.
-

Agenda Item No. 20. Request from Charlottesville KOA Campground for central water and sewer systems.

The following executive summary was forwarded to Board members:

The Charlottesville KOA campground has existed at its current location on Tax Map Parcel 10100-00-00-052A1 since 1966. Currently, 47 RV sites, 20 tent sites and six cabins are located on the property as well as a store, shower and bathroom facility, a pool pavilion with a bath, a game room, and a laundry facility.

The applicant is concurrently seeking a special use permit (SP201000028) to allow construction of six small cabins on existing tent sites and to bring the existing campsite into compliance with the Zoning Ordinance. As part of the Zoning review, it was discovered that there were existing central water and sewer systems on the campground site which had not been previously approved by the Board. In addition, the application for the proposed cabins includes six new sewer connections and a new septic tank for the septic system currently serving the bath house.

County Code § 16-101 defines central sewerage systems and central water supply as follows:

- (1) *Central sewerage system.* The term "central sewerage system" means a sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, including but not limited to septic tanks and/or drain fields, or any of them, designed to serve three (3) or more connections, used for conducting or treating sewage.
- (2) *Central water supply.* The term "central water supply" means a water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains pumping stations, and other facilities in connection therewith, designed to serve three (3) or more connections."

County Code § 16-102 requires landowners to notify the Board of Supervisors as follows:

"Each person who proposes to establish or extend a central sewerage system or a central water supply shall notify the board of supervisors of the proposal at least sixty (60) days prior to commencing construction thereof. The notice shall be filed with the clerk of the board of supervisors. In addition to the foregoing information, the notice shall include the following:

1. The location of the proposed central sewerage system or central water supply;
2. The number of connections proposed to be served by the central sewerage system or central water supply;
3. A statement describing the type of the proposed central sewerage system or central water supply and explaining the reasons the system or supply is needed; and
4. Three (3) copies of the preliminary plans for the central sewerage system or central water supply."

In this case, to address County Code sections 16-102 (1, 2 and 4), staff worked with the applicant to develop descriptive plans based upon the applicant's information. These plans (Attachment A) detail the water and sewer connections, tanks, pumps, lines, drain fields, and wells. To summarize, there is currently one central water supply on the site, serving all of the buildings and camp sites, with a total of 77 connections. The second well, specifically dedicated to the pool, is not included. There are six separate sewer systems, only one of which has multiple connections that meet the definition of a central sewer system and serves the 47 RV sites. The proposed addition of the cabins would include the addition of multiple connections to the sewer system serving the bath house, making it a central sewer system also with 7 connections, 2 septic tanks, and 2 drain fields.

To address County Code § 16-102.3, the systems are needed for the campground business as described in the accompanying special use permit. The addition of the cabins with sewer connections, replacing six tent sites, reflects a growth in the business.

County Code § 16-104 requires a recommendation by the County Engineer and a public hearing and action by the Board. County Code § 16-105 authorizes the Board to act on an application. If the Board approves the proposal, it must specify the number of connections that may be made to the central sewerage system or central water supply (County Code § 16-105(A)). The Board may condition its approval of a central sewerage system upon the approval of the applicant's final plans by the County Engineer, the Health Department, and the Virginia Department of Environmental Quality, and either approval by or proof of notification to, any other applicable state or federal department or agency (County Code § 16-105(B)). The Board may condition its approval of a central water supply upon the approval of the applicant's final plans by the County Engineer, the Health Department, the Virginia Department of Environmental Quality, and either approval by or proof of notification to, any other applicable state or federal department or agency (County Code § 16-105(C)).

The County Engineer recommends approval of the existing systems to bring them into conformity with the County Code. The Health Department has approved all of the systems and is in the process of approving the proposed sewer additions. From the County perspective, there is no reason the Health Department approval should not be sufficient, unless the County were to consider a comparison of how many septic systems or wells might reasonably be on the site were it to develop in a traditional rural residential manner. The County limitations on this use are established through the Special Use Permit that the Board is considering. Once that policy issue is addressed, the site should be adequate for the proposed systems.

There is no budget impact associated with the approval of the applicant's request. The applicant would bear the cost of the improvements.

At the conclusion of the public hearing on this matter, staff recommends that the Board approve the applicant's request for approval of the existing central water and sewer systems and the establishment of one additional sewer system on the KOA Campground site on Tax Map Parcel 10100-00-00-052A1 as set forth in the attached plans for a total of 47 connections to the RV central sewerage system and a total of 7 connections to the bath house / cabins central sewerage system, and a total of 77 connections to the central water supply subject to the following conditions:

1. The applicant shall obtain the approval of its final plans for the central sewerage systems from the County Engineer, the Virginia Department of Health, the Virginia Department of Environmental Quality and other applicable state and federal agencies.
2. The applicant shall obtain the approval of its final plans for the central water supply from the County Engineer, the Virginia Department of Health, the Virginia Department of Environmental Quality and other applicable state and federal agencies.

Mr. Glenn Brooks, County Engineer, addressed the Board, noting the proposed location for the new lines that would go to the cabins and comprise the bath house system; only the RV and bath house systems would be central.

Ms. Mallek asked if the systems were conventional.

Mr. Brooks responded that they are conventional in most respects, with multiple connections and septic tanks.

Mr. Rooker asked how close the existing septic field for the pool/bath area is to the river.

Mr. Brooks confirmed that it is a roadway noted on the map, not a body of water.

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

Mr. Snow **moved** approval of the existing central water and sewer systems and the establishment of one additional sewer system on the KOA Campground site on Tax Map Parcel 10100-00-00-052A1 as set forth in the attached plans (copy on file) for a total of 47 connections to the RV central sewerage system and a total of 7 connections to the bath house / cabins central sewerage system, and a total of 77 connections to the central water supply subject to two conditions. Mr. Rooker **seconded** the motion.

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

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

(The conditions of approval are set out below:)

1. The applicant shall obtain the approval of its final plans for the central sewerage systems from the County Engineer, the Virginia Department of Health, the Virginia Department of Environmental Quality and other applicable state and federal agencies; and
2. The applicant shall obtain the approval of its final plans for the central water supply from the County Engineer, the Virginia Department of Health, the Virginia Department of Environmental Quality and other applicable state and federal agencies.

Agenda Item No. 21. Public Hearing: PROJECT: SP-2010-0058. Charlottesville Power Equipment (Signs #109n).

PROPOSED: To establish outdoor storage, display and/or sales of power equipment in the Entrance Corridor (EC) Overlay District.

ZONING CATEGORY/GENERAL USAGE: Highway Commercial (HC) - commercial and service uses; and residential use by special use permit (15 units/acre) in Urban Area Neighborhood 2; Entrance Corridor (EC) - overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

SECTION: 30.6.3 (a)(2) which allows outdoor storage, display and/or sales in the Entrance Corridor (EC) Overlay District by special use permit. No residential units are proposed.

COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail, wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre).

ENTRANCE CORRIDOR: Yes.

LOCATION: At the northwest corner of the intersection of Rio Road East (Rt. 631) with Putt Putt Place.

TAX MAP/PARCEL: 06100-00-00-124F0.

MAGISERIAL DISTRICT: Rio.

(Advertised in the Daily Progress on March 21 and March 28, 2011).

Ms. Margaret Maliszewski, Principal Planner, addressed the Board, stating that this is a proposal to establish outdoor storage, sale and display of power equipment in the Entrance Corridor for the

Charlottesville Power Equipment Company on a site located at the corner of Rio Road East and Putt Putt Place. She stated that several types of power equipment are recommended, with five display areas and items similar to what was displayed at the business's previously location on Route 29; the new location includes about 6,600 square feet of display space.

Ms. Maliszewski said that a special use permit is required for this use specifically because it is proposed in the Entrance Corridor, and the intent of the requirement for the SP is to review the visual impacts for the outdoor storage sale and display on the Entrance Corridor street. She noted that the Architectural Review Board (ARB) has reviewed the proposal and had no objection to the use with recommended conditions, and with those conditions there is no anticipated detrimental impact on the corridor.

Ms. Maliszewski stated that the recommended conditions are related to the location and method of display, the addition of landscaping, and the height of items on display which are standard for this type of use. Because the ARB had no objection to the use with conditions, she said, the recommendation is for approval with those conditions. The Planning Commission reviewed the proposal and recommended deleting one phrase addressing security at the site.

At this time, the public hearing was opened.

Mr. L. F. Wood, the property owner of the site, addressed the Board, stating that Charlottesville Power Equipment is a new tenant on that property and saying that they have all agreed with staff and the ARB on the parameters of the SP.

The public hearing was closed.

Mr. Thomas **moved** to approve SP 2010-0058 subject to six conditions. Mr. Snow **seconded** the motion.

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

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

NAYS: None.

(The conditions of approval are set out below:)

1. Equipment shall be displayed only in Areas A, B, C, D and E shown on sheets 1, 2 and 3 of the plan entitled "Tax Map 61 Parcel 124F Amended Site Plan" prepared by Roudabush, Gale & Associates, Inc., revised January 18, 2011.
2. The site shall be landscaped as follows:
 - a. Add one tree in the planting strip between Putt Putt Place and the parking row labeled "Area C" and one tree in the planting area between the rows labeled "Area B" and "Area C". These trees shall be a species whose mature height is coordinated with the overhead electric lines and shall be planted at a minimum of 3½" caliper (if reasonable for the species). Provide the height of the overhead lines.
 - b. Add three small trees or large shrubs between the existing trees in the planting strip along Display Area D.
 - c. Add shrubs in the planting strips between the parking lot and Putt Putt Place, including the corner at the intersection with Rio Road. The shrubs shall be a mix of species and shall include evergreen shrubs, but may also include deciduous species. The shrubs shall be a minimum of 30" high at planting.
 - d. Add this note to the plan: All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
3. Display items in areas A, B and C shall not be taller than 7', which corresponds to the bottom of the soffit on the existing building.
4. Display items shall not be elevated anywhere on site.
5. Balloons, banners, signs, and/or other similar items shall not be attached to equipment on display or installed anywhere within the approved display areas.
6. Items stored in the fenced storage area shall not rise above the height of the fence.

Agenda Item No. 22. **Public Hearing: PROJECT: ZTA -2009-00016. Monticello Historic District (MHD)**. Amend Secs. 11.1, Intent and purpose, where permitted, and 11.3.1, By right uses, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 11.1 to include a statement pertaining to usual and customary uses within the MHD considering the unique nature of the district; and amend Sec. 11.3.1 by amending subsection (24) to delete the restrictions on the number of persons and required purposes for occupying the Monticello scholar residences, and by adding subsection (25) to allow special events by which attendance is permitted by invitation or reservation for up to 3 consecutive days. (*Advertised in the Daily Progress on March 21 and March 28, 2011*).

Mr. Wayne Cilimberg, Director of Planning, reported that this is a proposal to amend the Monticello Historic District, originally created in 2005, and would expand uses allowed including fundraising, special events, parties, etc. He stated that the intent would be changed to allow for fundraising activities and others related to Monticello, and would promote preservation enhancement of the site as well as interpretation. Mr. Cilimberg said that there would be events typically conducted on a single day that could be up to three consecutive days, and they are intended to be invitation or reservation

events. He stated that through SP there would also be allowance of farm winery for events that exceed 200 people.

Mr. Cilimberg noted that there is a specific section regarding the impact the activities would have on the transportation plan and references a traffic management plan to be reviewed annually, and all public access must meet minimum VDOT safety standards; private road and travel way access must meet standards approved by the Planning Commission with recommendation of the County Engineer.

Mr. Cilimberg stated that the issues have been the potential impact of additional uses, compatibility, the public safety related to traffic, improvements on the loop road leading to Mont Alto, ingress and egress on Route 53, and whether temporary access should be taken through the Monticello parking lot. He said that there are several areas with curves that will require some widening to accommodate safe travel up and down the mountain, as well as some site distance issues with the existing exit along Route 53.

Mr. Cilimberg stated that there would ultimately need to be grading for site distance at that entrance, with an interim solution of blocking the access; VDOT is working toward a possible spot improvement which would also help the situation. He noted that there were a range of options for road improvements and there is a traffic management plan for events.

Mr. Cilimberg reported that the Commission and staff have recommended approval of the ZTA.

Ms. Mallek asked if there had been any discussion of a one way in, one way out approach during larger events which would diminish the issue of the narrow roadway.

Joan McDowell, Planner, stated that the idea is no longer on the table, as it was attempted a few years ago for the Harvest Festival and went through the orchards, which VDOT determined was not a safe access. She explained that the exit would go through the Monticello parking lot onto Route 53.

Mr. Brooks pointed out that the traffic management plan, which is under the review of the zoning administrator and county engineer in consultation with VDOT, could reestablish the one-way system if that entrance into the orchard were improved.

The Chair opened the public hearing.

Ms. Valerie Long addressed the Board, stating that she is representing the applicant and saying that all conditions are acceptable.

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

Mr. Dorrier **moved** to approve ZTA-2009-00016. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

(The adopted ordinance is set out below:)

ORDINANCE NO. 11-18(4)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 11.1 Intent and purpose, where permitted
Sec. 11.3.1 By right
Sec. 11.3.2 By special use permit

By Adding:

Sec. 11.5 Standards of operation

Article III. District Regulations

Sec. 11.1 Intent and purpose, where permitted

The intent and purpose of the Monticello Historic District (hereinafter referred to as "MHD") is to create a planned historic district:

- To permit restoration, preservation, conservation, education, programs, research, business and support activities, including fundraising activities for the public and/or contributors, all of which are related to the operation of a historic house museum and historic site at Monticello;

- To promote the preservation, interpretation and enhancement of a unique historical site;
- To preserve significant tracts of agricultural and forestal land;
- To be a district that is unique to those parcels which both belonged to Thomas Jefferson and contain uses related to the operation of the historic site, in recognition of:
 - the importance of Thomas Jefferson to the history of Albemarle County;
 - the importance of Monticello to the reputation, education, and economy of Albemarle County;
 - Monticello as a unique element of the historical and architectural legacy of Albemarle County, the nation, and the world, as recognized by its inclusion on the World Heritage List administered by the United Nations Educational, Scientific, and Cultural Organization.

Restoration or re-creation of Jefferson-era structures or landscape features, and their subsequent interpretive use, shall be regulated only to the extent necessary to protect public health and safety.

(Ord. 05-18(5), 6-8-05)

Sec. 11.3.1 By right uses

The following uses shall be permitted by right in the MHD:

1. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
 - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
 - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
 - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
 - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
 - e. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
 - f. Other uses not expressly delineated in subsection 1(a) through (d) authorized by the zoning administrator after consultation with the director of planning and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.
2. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products. (Amended 5-5-10)
4. Establishment and changes to structures shown on the approved application plan:
 - a. Modification, improvement, expansion, or demolition of "modern structures" existing on the effective date of this section 11.
 - b. Modification, improvement, re-creation, or restoration (including expansion) of "historic or interpretive structures."
 - c. Establishment of "new primary structures or features" identified as such on the approved application plan.

5. Cemeteries.
6. Detached single-family dwellings, including guest cottages and rental of the same.
7. Side-by-side duplexes; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
8. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
9. Game preserves, wildlife sanctuaries and fishery uses.
10. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable laws.
11. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
12. Temporary construction uses (reference 5.1.18).
13. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).
14. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
15. Agricultural service occupation (subject to performance standards in 4.14).
16. Divisions of land in accordance with section 10.3.
17. (Repealed 4-7-11)
18. Mobile homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a mobile home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The zoning administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.
19. Farm winery uses, events and activities authorized by section 5.1.25(a) and (b).
20. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
21. Commercial stable (reference 5.1.03).
22. Stormwater management facilities shown on an approved final site plan or subdivision plat.
23. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
24. Monticello scholar residences, which shall be private lodging accommodations **in dwellings** for educators, academic fellows or scholars working on Jefferson related research and/or programs, Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker.
25. Farm sales (reference 5.1.47). (Added 5-5-10)
26. Farm stands (reference 5.1.47). (Added 5-5-10)

27. Events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.

(Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10)

11.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the MHD:

1. (Repealed 4-7-11)
2. Private helistop (reference Section 5.1.01).
3. Commercial fruit or agricultural produce packing plants.
4. Flood control dams or impoundments.
5. (Repealed 4-7-11)
6. Home occupations Class B.
7. Boat landings and canoe livery.
8. Farm winery uses, events and activities authorized by section 5.1.25(c), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.

Sec. 11.5 Standards of operation

All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27) shall be conducted in accordance with the requirements of an approved traffic management plan on file with the department of community development, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or the request of the owner. Private road and travelway access must meet standards approved by the planning commission upon the recommendation of the county engineer.

(Ord. 05-18(5), 6-8-05; Ord. 10-18(4), 5-5-10)

Agenda Item No. 23. **Public Hearing: PROJECTS: SP-2010-00035. Blue Ridge Swim Club - Day Camp, Boarding Camp and SP-2010-00041. Blue Ridge Swim Club (Sign #78).**

PROPOSED: Special Use Permit for a summer camp that would allow overnight stays; continue existing swimming pool use for members; and allow special events and concession sales on 13.206 acres.

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

SECTION: 10.2.2 (20) Day camp, boarding camp (reference 5.1.05); Section 10.2.2(4) Swim, golf, tennis or similar athletic facilities (reference 5.1.16); Section 10.2.2(5) Special Events (reference 5.1.43).

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

ENTRANCE CORRIDOR: No.

LOCATION: 1275 Owensville Rd. (Rt. 678), north of Holkham Dr.

TAX MAP/PARCEL: 05800000075A0.

MAGISTERIAL DISTRICT: Samuel Miller.

(Advertised in the Daily Progress on March 21 and March 28, 2011).

Ms. Joan McDowell, Planner, addressed the Board, stating that one application is to continue the Swim Club and the other is for a swim club camp. She said that the proposal for the camp would allow a children's camp five days per week from 8:30 a.m. to 5:00 p.m. with one overnight per week and a construction of a 2,000 square foot pavilion, with transportation provided by shuttle bus and provisions for some parents to drop children off, as well as a concession stand already located on the property.

Ms. McDowell presented a photo of the swim club, noting the location of the pool, access road, bath house, concession stand, and a pedestrian crossing to the other portion of the property and playground.

Ms. McDowell reported that the Swim Club has operated since 1905, with pool water drawn from the adjacent stream, and this SP would bring the club into compliance with the zoning ordinance; the Club could continue without the SP, open Memorial Day to Labor Day from 12:00 noon to 8:00 p.m. Staff recommends approval of both applications, subject to the 11 conditions for the camp and 10 conditions for the swim club.

Mr. Rooker pointed out that technically there is no limitation on the number of Swim Club members.

Ms. McDowell confirmed this, adding that the Commission did not limit membership but did impose a limit of 200 people per day on the property, which does not exist today.

Mr. Cilimberg noted that the 11th condition has a validity of 10 years, pointing out that most SPs do not have an expiration unless they have an impact that needs to be reviewed.

Ms. McDowell mentioned that in this case, the condition applies only to the camp and not the Swim Club.

Mr. Snow asked if there is handicap accessibility to the pavilion and pool.

Ms. McDowell responded that once you get down to the site, there is a way to access the pool without steps, but she is not certain if it meets ADA approval.

Mr. Davis clarified that if there were new construction or alterations, the ADA requirements would be applicable, but not in the case of an existing structure unless it is altered.

Mr. Rooker pointed out that you can drive up to the second gate right by the pool, which is a fairly flat area. He said that a wheelchair could reasonably access a pavilion, as it is a flat surface.

Mr. Davis said that the only question is whether this is open to the public, at which point ADA requirements would be applicable.

Ms. McDowell mentioned that the applicant stated that parties are standard with this type of operation and confirmed that this is just a summer operation, not year-round.

Mr. Snow asked what guidelines would protect the site from fire, as there will likely be campfires and such.

Ms. McDowell explained that there is a condition of approval so that any campfires or outdoor fires must be cleared with the fire department. She said that she contacted the Fire Department, which indicated they were comfortable with how this was run and asked to be contacted ahead of time in the event the camp has an outdoor fire.

Mr. Snow asked how many vehicles would likely come into the area on a given day, noting the traffic on Owensville Road.

Ms. McDowell responded that the Planning Commission discussed the issue at length, which is why they established the 200 limit; VDOT also visited the site and expressed concern about the site distance at the entrance so they will also require some clearing.

Mr. Rooker noted that today if the facility were being built, the applicant would be required to have a commercial entrance. He mentioned that there have been many, many e-mails about this application, and people are most concerned with traffic, so the special use permit will actually allow for restrictions that would not otherwise be imposed. He commented that almost everything that has been asked for here could be done without limitation, without a special use permit, except for the camp portion of it.

Mr. Snow said that the number of campers had been capped at 60, but the number 200 is floating around and that is causing concern with noise level and other potential issues.

Ms. McDowell explained that there can be 200 people at any one time, but there is a condition of approval that limits sound to 55 decibels between certain hours; the owner of the camp would have staff there to monitor the children during the camp.

Mr. Cilimberg pointed out that the 200 limit is for combined activities, both the Swim Club and the camp.

Mr. Rooker mentioned that there are limitations on campers as a separate thing.

Ms. McDowell responded that there are, increasing that number when Health Department approves the new septic system. She said that the drain field will be further away from the stream and will be much more sanitary.

At this time, the Chair opened the public hearing was opened.

Mr. Kelly Strickland addressed the Board, stating that he is representing the applicant, Mr. Todd Barnett, and said that Mr. Barnett is chaperoning his 8th grade class from the Field School. Mr. Strickland reported that the Swim Club was built by Mr. R. Warner Wood in 1913 so he could teach swimming and water sports at his 268-acre Camp Blue Ridge, which he ran from 1909-1940.

Mr. Strickland stated that a neighbor, Ms. Monica Baker, brought the property around 1940 and ran the pool as a Swim Club, occasionally selling off parts of the acreage and finally selling the Club to the members in the 1960s. He reported that the last boundary line adjustment was a 2.9-acre land swap in 1969 that allowed the residential development of West Pines Drive, and at present the members own the 98-year-old concrete, 101-yard Blue Ridge Pool, which is the third oldest operating swimming pool in the U.S.

Mr. Strickland said that the pool is a historic treasure that Mr. Barnett hopes to have recognized in state and national historic registers. He reported that Field Camp was started with Mr. Jay Fennell in 2000, and it has never owned a camp property but instead rented facilities in the area, using only Camp Albemarle for the last few years, but the Board there gives priority to its own groups.

Mr. Strickland described the activities of the Field Camp, noting that on Thursday it provides overnight camping for attendees. He said that Blue Ridge Swim Club came to Todd Barnett last summer and asked him to consider buying the property, which could be sold for substantially more as a rural residential development, but the Club Board voted to sell it for about 1/5 of the assessed value to Field Camp because they felt Mr. Barnett had an appreciation for its history and because he agreed to maintain the Swim Club. He emphasized that the members of the Club could certainly make more money by selling it in a different way, although their motivations have been questioned. He said the intention is to keep the pool open for kids and adults in the community.

Mr. Strickland reported that Mr. Barnett is aware of neighbors' concerns about his plans to revitalize the Club and has tried to be forthcoming in addressing their concerns, including plans to build a fence around the building and the area generally used by the campers, limiting use to no pool events after dark, capping the number of camper at 100, no amplified music, cap on total visitors at 200, which are all restrictions that have not been in place in the past.

Mr. Strickland stated that Mr. Barnett has agreed to replace the existing septic system with a new one that is a substantial distance away from the stream buffer. He also pointed out that the majority of adjacent neighbors and neighbors within one half mile from the facility are either active members of the Club or support the Club, and he is confident that all neighbors will eventually appreciate having the program in the community. Mr. Strickland emphasized that Mr. Barnett needs to know where the camp will be located, as the uncertainty is hurting enrollment. He also added that Mr. Barnett hopes to create a natural pool instead of a chlorine pool.

Mr. Strickland noted that the lower parking lot is proposed only to be used for handicap access, emergency access, and deliveries to the pool, and this would also provide fire access. He stated that the applicant has applied for a site plan waiver, and part of that would include approval from the Fire Department and for a fire pit location. Mr. Strickland reported that the applicant has met with VDOT onsite and a commercial entrance will be required; there are some improvements that are proposed and the waiver will have to pass a VDOT approval process. He stated that the Planning Commission had originally addressed limiting the membership, which ultimately would limit the number of people on-site at any given time.

Mr. Dorrier asked how many members there are now.

Mr. Strickland responded that the president will answer that, but he believes there are about 150 memberships (meaning 300 or so people) and limiting the membership cost will actually drive up the costs for each member.

Mr. Dorrier asked if the Club is nonprofit, and Mr. Strickland confirmed that it is.

Mr. Strickland indicated that a lighting plan is included as part of the site plan process, but the Club has submitted a site plan waiver request and hopes to waive the requirement for a full lighting plan. He said that there is no lighting on the pavilion and no swimming after dark, and would install full cutoff lighting in necessary locations.

Mr. Rooker commented that if this SP were approved there would be activities on-site for one night that are not there today, and if there is no intention to have more than 60-100 campers it may be in the applicant's best interest to specify that number.

Mr. Dorrier asked about the 55-decibel sound limit.

Ms. McDowell responded that the limit has been imposed for almost every rural area project since Sally Thomas initiated that condition.

Mr. Davis clarified that it does not trump the general noise ordinance, which would still have an audible standard, but for most noises not covered the 55 decibels would apply.

Mr. Boyd said that the noise expert who came in recently stated that 55 decibels is about what a conversation level is.

Mr. Murray Whitehill addressed the Board, stating that he lives on a nearby property and encouraging the Board to preserve the pool, which he said he has been swimming in since 1946. He stated that one of the complaints has been traffic, but with school out in the summer there would not be any more traffic than there is during the school year from busses, etc.

Mr. Whitehill said that the business has been profitable from the beginning, long before many of the neighbors moved in. He also stated that there have been more issues with fire related to people disposing fireplace ashes, and the Fire Department can use the ½-million gallons of water in the pool if they need it.

Mr. John Early addressed the Board, stating that he and his wife have lived in the vicinity of the pool for 25 years. Mr. Early said that he has some concerns about the health and safety impacts of the

new use, stating that this commercial enterprise would have a negative impact on property values, and quality of life will be affected with an increase in noise throughout the day and with 100 campers at night. He stated that a third negative impact will be on the stream running through the site and through the common area of Lewis Hills on its way to Ivy Creek, noting that the water management plan to have water discharge into the stream.

Mr. Early pointed out that the Board is charged with evaluating whether the SP will or will not cause the property to be of substantial detriment to adjacent property so the character of the district is not changed. He said that a commercial operation is an inappropriate use of the property, and that approval will convey to any subsequent owner.

Mr. Jeff Baker addressed the Board, stating that his mother was the founder of the Blue Ridge Swim Club and bought the pool to protect the property, as it was a public pool at one point and there were wall to wall people. Mr. Baker said that his home is right across the road from the pool and all of his children have been lifeguards at the pool. He said that the pool is a treasure. He stated that the noise level was quite bearable even when it was a public facility, and eventually people need to decide what it means to have a historic treasure in their neighborhood, although he does recognize neighbors' concerns. Mr. Baker said that when his mother owned the pool it was spring fed, and someone from the County came out and said she would have to have it tested.

Mr. Chris Georges addressed the Board, stating that he is a neighboring property owner. Mr. Georges said that this site is surrounded by single-family homes and by right can accommodate two home sites. He stated that other neighbors live on home sites from one to four acres, and asked Board members to envision having a neighbor deciding to have a day camp that would bring a hundred kids in within earshot of your porch, family room, etc. He asked "When do the sounds of our children become noxious and overwhelming...the answer to that is when you gather a hundred of them to interact together within feet of what we call our home setting."

Mr. Georges noted that the applicant is also requesting a special events permit, and if the proposal is denied the swim club members can continue to have access to the facility, can apply for historical designation, the applicant can operate his field camp at other locations, and county residents can continue to enjoy the quiet and serenity that attracted them there to begin with.

Mr. Patrick Kearns addressed the Board, stating that he and his family live at West Pines Drive, which abuts the Swim Club. He said that they are not in support of the special use permit that would allow the camp to have up to 100 campers and special events of up to 200 people.

Mr. Kearns presented pictures that show the visibility of the pool from neighboring properties. He mentioned the possibility of up to 900 people on the site over a given week, from 8:30 a.m. on Monday to Sunday night, and encouraged the Board to deny the SP.

Ms. Katherine O'Donaghue addressed the Board, stating that she and her family have lived for 26 years with the Swim Club in their backyard and were members for several years. She stated that they voluntarily mowed the Club's lawn and even on the most popular days there were no more than 50 people at the pool at a time.

Ms. O'Donaghue said that the 2,000 square foot pavilion is larger than the footprint of her house and is directly behind their deck and screened-in porch, adding that there will be bullhorns and whistles used for camp activities. With overnight camping, she said, there will be 36 hours of straight camp commotion that will cause unreasonable levels of disruption and will negatively impact quality of life in the area.

Ms. O'Donaghue said that Camp Albemarle, the site Field Camp currently uses, has cabins for overnights, outdoor shelters, and fields, woods and streams for exploring. She also expressed concern about the impact of construction of a large parking lot, a septic field, drainage upgrades, and tree clearing, as well as environmental impacts and increased risk of trespassing. Ms. O'Donaghue also thanked Mr. Dorrier for his many years of service and wished him well in his retirement.

Mr. Duane Marks addressed the Board, stating that he has resided for 24 years on Holcomb Drive near the site and noting that he has heard noise from the camp when trying to go to sleep. He said he was a scout leader for a number of years and thinking that kids will go to bed at 9:00 p.m. is unrealistic. Mr. Marks said that he is also concerned about property values if this is approved, noting that Mr. Snow's house would be considered a comparable property.

Ms. Shelia Tate addressed the Board, stating that she lives on Owensville Road and mentioning that she is newer to the area than many residents who are speaking today. Ms. Tate said that she and her husband bought four acres and their house six years ago, and if the Camp had been operating they would not have purchased it. She said they are devastated by this possible radical change in use.

Ms. Tate also expressed concern about the enforcement of the 200-person limit, adding that she and her husband felt that Mr. Barnett was misrepresenting some of the facts when he said he would have no more campers than could come in on a bus. Ms. Tate said that she and her neighbors are very upset about the possible implications of this change.

Mr. Rip Verkerke addressed the Board, stating that he speaks on behalf of Blue Ridge Swim Club members, who voted 58 to 1 in favor of selling the property to Todd Barnett and the Field Camp. He said that the club is one of the oldest pools in the Country, and many of the proposed uses continue operations

that have been uninterrupted to more than 50 years and the rest of the activities return the property to its historic roots as a nature camp.

Mr. Verkerke stated that the pool owners could have reaped a substantial windfall by selling two lots for residential development and said that the proposed uses give the Field Camp every incentive to maintain the natural beauty and protect it from environmental degradation. He said that preserving the pool and permitting a camp to operate during nine weeks of the summer will protect and enhance the rural character of the community, adding that the only serious question seems to be whether the camp will create significant noise problems. Mr. Verkerke said that he and his family spent most of their summer on a screened porch that faces the pool property and even on the busiest days they have never heard noise from the Swim Club property, with greater threats to peace and tranquility being roaring lawn tractors, unattended barking dogs, and loud music played by local teens. He emphasized that this proposal fully respects the rural character of the Ivy community and revitalizes an essential recreational resources that will benefit residents for years to come.

Ms. Sherry Early addressed the Board, stating that she and her husband built their house on Holcomb Drive in 1986 and that the SP will be detrimental to the health of Ivy Creek branch, as it will pollute the stream and damage the land around it, while affecting property values. She feels it is just simply too big of a commercial use for the scale of this stream and this residential area.

Ms. Early said that she would like to see additional restrictions put on the operation if the SP is approved, such as limiting attendance to 50 people at the absolute most, adding that there should not be a pavilion built on this property. She also said that if the bath house is improved, it should only be expanded by 500 square feet, and no food should be prepared on the property. She also suggested that no fires should be permitted onsite. Ms. Early added that they also need a generator to ensure there is no sewage backup in the event of a storm.

Mr. Larry Breeden addressed the Board, stating that he is next door to the homes that are adjacent to the Swim Club and noting that he can here the noises coming from the pool. He said that the character of the area has changed over the years and has become more residential, and the pool itself is a dinosaur. Mr. Breeden said that they are not against change, but are against such a major change. He stated that the campers will still have a camp even if the SP does not go through and the pool will continue, and the neighborhood will still be peaceful.

Mr. Alex Inman addressed the Board, stating that he is a resident of Westwood Subdivision. Mr. Inman said that the noise issue is very real, and on a normal day in the summertime he can hear individuals quite clearly from his backyard. He stated that topography matters. He said that the Swim Club is down in a valley and there is a network of trails across the creek and sound carries through the neighborhoods.

Mr. Inman noted that one trail ends in his backyard at a pond that starts the branch of Ivy Creek and is on private land, adding that he is fine with an individual or families walking along the trail and using the pond in his backyard, but there is a big jump to having dozens of campers using it. He said the numbers here scare him, and that to him, the number 200 is off the charts. Mr. Inman encouraged the Board to deny the SP.

Ms. Jodi Roper addressed the Board, stating that she is about a five-minute walk from the entrance of the pool and has lived there for about 17 years. Ms. Roper said that she and her sons enjoyed the pool property and the trails on the property, noting that her sons were lifeguards and pool managers at the club. She stated that the pool personnel enjoy interacting with youth, and the combination of the camp and the clientele is a "win-win situation," a treasure and a fantastic place for kids.

Ms. Susan Bates addressed the Board, stating that she is an Earlysville resident but has been a member of the pool since 1971. Ms. Bates said that as she is listening to the neighbors who are opposed to the SP say how nice it would have been if the pool could have had a hearing on the new neighborhoods going up, with muddy waters coming down from the building runoff, lawnmowers, and all kinds of noise. She stated that this is a perfect union between the Field Camp and the Blue Ridge Swim Club and the impact will be very slight on the neighbors despite their fears, noting that she believes this will actually enhance property values.

Ms. Tracy Verkerke addressed the Board, stating that she has lived in Ivy for 20 years and noting that her children have lifeguarded at the pool, with her husband serving as president of the Swim Club for many years. She said that she is a master gardener and has done artwork in the community, having worked to develop 20 acres of green space in the Holcomb neighborhood.

Ms. Verkerke said that she is very interested in connecting green space and feels that the swim club is a space that could actually create a bigger community awareness and connection by encouraging neighbors to get out more. She stated that she would like to have the Club offer a camp and further utilize the trails.

Mr. John Ewell addressed the Board, stating that his property adjoins the swim club along their driveway. He stated that ACAC had the option to buy the property but determined that restoring the pool to acceptable, safe conditions would be very expensive and fraught with difficulties.

Mr. Ewell said that the property is in a deplorable state of disrepair and he is concerned about the dangers to young campers as untreated water is a source of infectious disease and gastroenteritis, adding that in an unregulated pool there is an increased risk of drowning. He stated that the pool fails to meet

safety standards in multiple ways and the risks are far too great to allow children, adding that this pool is subject to ADA regulations for accessible design, which went into effect this year with mandatory improvements in place by March 15, 2012. Mr. Ewell added that the driveway does not provide adequate access for emergency vehicles.

Mr. Peter Weeks addressed the Board, stating that he is here to speak on the character of Mr. Barnett, whom he has known for four years. Mr. Weeks said that he has worked with Mr. Barnett on developing the school, which began in Crozet. He stated that the concerns neighbors have are unfounded and Mr. Barnett does amazing work with any property he has been associated with, such as the Crozet Community Arts building, which was renovated at Mr. Barnett's own expense. Mr. Weeks said that his son has attended Camp Albemarle and the noise was less there than it was at the Blue Ridge Swim Club. He said it is a bunch of children playing at a day camp, and it is a fine thing.

Mr. Scott McCurdy addressed the Board, stating that he lives on a property adjacent to the swim club and is here in support of the application. Mr. McCurdy stated that he chose his home because it is in a rural, residential area, and has swim club next door. He said that he has three children and the day that the noise of kids drowns out the noise of lawnmowers and leaf blowers and chainsaws and gunshots is a day that he wants to live in.

Mr. McCurdy said that Mr. Rooker's point is accurate that the conditions will actually make the camp a better neighbor than it is currently, with traffic less than any given year on a school day, and there would only be nine nights per year that the kids would be there overnight. He also stated that he has full faith in Mr. Barnett's abilities, adding that communities change, and they should.

Ms. Julia Jones addressed the Board, stating that she is here on behalf of Field Camp and noting that she lives right in the heart of UVA. She said that she is sensitive to the neighbors' concerns here, but there is a lot of misinformation from the residents' point of view. Ms. Jones stated that all three of her sons have attended Field Camp and she has been to Camp Albemarle many times for their Thursday night sing-along's, adding that most campers arrive by bus, not by car. She said that there is also a single-lane road leading into Camp Albemarle and there has never been a concern with it, adding that when the kids sleep over at camp they are exhausted and are not up late because they have to get up very early the next day to go hiking.

Ms. Lady Keller addressed the Board, stating that she works with Mr. Todd Barnett, who has remarkable integrity and had children ready to enter his school before he even had a building. She stated that more than 80% of campers arrive by bus, adding that about 60 campers attend each day with the average age of about 10 years old. Ms. Keller indicated that they have about 15 camp counselors and many of the children who attended become CITs when they are 15, making them eligible in the future to be a counselor.

Mr. Snow asked where the campers go hiking.

Ms. Keller responded that they go to Rip Rap Run, Humpback Rock, and even Mint Springs to go swimming.

Mr. Dorrier asked if there had been any accidents or any drownings.

Ms. Keller replied that there have been three broken bones, all caused by accident, with her daughter's broken wrist probably being the worst. She said that there are lifeguards and all counselors are lifeguards, confirming that children must pass swimming tests as they enroll.

Ms. Deane Biegiebing addressed the Board, stating that she is an adjacent property owner, a certificate member of Blue Ridge Swim Club and parent of a lifeguard there. Ms. Biegiebing said that she drove her son to CCC camp on Route 20 South, which seems much more treacherous, and has no concerns about safety. She also emphasized that the scale of this camp would be much smaller than the numbers might make it appear, adding that a whole generation will be exposed to this hidden treasure.

Ms. Biegiebing stated that the pool is different from many, as it is not chlorinated, and her father and mother were original members. They would have her soul if she did not come here and beg the Board to please approve this.

Ms. Kim Taylor addressed the Board, stating that she is pool president and her children have been lifeguards for the past four years. Ms. Taylor said that there has been renewed interest in the Club over the last two years, noting that the pool is 100 meters long and 10 meters wide so it can accommodate everyone. Everyone comes to swim and relax.

Ms. Taylor mentioned that the graphic design class at PVCC came up with a new identity for the pool several years ago and developed the slogan: "The Blue Ridge Swim Club: The Greenest Pool in Town." She said that the Swim Club and field camp are examples of how man and nature can coexist, and joining the two together will allow the club to upgrade amenities and continue to provide an alternative to the pricey country clubs for the citizens of Albemarle County.

Ms. Jenny Lorbear addressed the Board, stating that she lives in Westwood and does not abut the property. She said that in the end, this is a vote about what is right and what is wrong, and no one wants to see the Blue Ridge Swim Club fail, but it is up to them to figure that out. Ms. Bayer stated that it is just not the right thing to do, and asked Board members if they would do this if it were in their own backyard.

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

Mr. Dorrier asked how the number of 200 was reached.

Ms. Mallek responded that her understanding is that the Planning Commission thought that using the same number considered for other rural area events would be a reasonable cap.

Mr. Dorrier asked about the limit of motorbikes at Panorama Farms.

Ms. Mallek replied that that would be a different circumstance, having more people than at a one-time event.

Mr. Cilimberg noted that the farm wineries do not have a limit for regular activities, only for special events.

Mr. Dorrier asked how the pool water comes in.

Ms. McDowell explained that it is fed by an intake from the stream that is adjacent to it, with water flowing into it.

Mr. Thomas commented that you cannot see the bottom of the pool and mentioned that he swam there many times when he was a kid.

Mr. Snow asked if campers go hiking every week over the summer.

Ms. Keller said that they are at camp all week, with hiking days being Tuesdays and Thursdays, coming back Thursday afternoon for the sleepover; for campers who are older there is a leadership school, which operates out of the same camp.

Mr. Rooker stated that beauty is in the eye of the beholder, and said that most people would not want a building in their neighborhood every day with hundreds of kids, busses, some night activities, children playing outside, parents coming and going, etc. He said that is what's called a school.

He said that there are several other pools in the area that are located in neighborhoods, such as ACAC, Glenmore, etc., that have activities going on all the time. He does not think people's property values diminish because of the pools. Mr. Rooker stated that people, himself included, start worrying about what might happen, but this is a rural area. He asked where else are you going to have a nature camp but in a rural area? He noted that he can hear the bands at Albemarle High School from his house, can hear the cheers, and can see the lights from night games, but he does not consider that a detriment to his property value.

Mr. Rooker commented that this is perfectly timed from a traffic standpoint, as school is closed when this activity would be going on, and the traffic would likely be less than it would be during the school year. He said that the current situation is not ideal as it is a grandfathered use and there are really no limitations on the uses. Mr. Rooker stated that they have a non-compliant septic field that is probably not good for the stream that adjoins the property, and they technically have no limit on the number of people who can come and go during the day.

He said that what is proposed is a very compatible activity with the area that would not negatively impact property values, assuming it is operated within the parameters of the SP. Mr. Rooker stated that the VDOT entrance will be there if it is approved, but not if it is denied. He said that there was a limitation on campers that got bumped out of the conditions, but it should be put back in, and he likes the idea of a sunset provision in the event it does not operate in a reasonable way. Mr. Rooker also stated that the pavilion should be smaller than 2,000 square feet, since the applicant has only requested 1,200 feet, perhaps 1,300 square feet, to permit some construction overages.

Mr. Cilimberg noted that the first condition mentions the location and size of the pavilion building.

Mr. Rooker suggested that because the applicant had said the building would be 30'x40', he would recommend a condition of limiting its size to 1,300 square feet.

Mr. Dorrier stated that he agrees with Mr. Rooker, adding that the pool has been there 100 years, and when people bought their property nearby, they knew it was there. He emphasized that there have been no real problems with the pool up to now, and Todd Barnett is an impressive person who has done a good job with the Field School and will produce results with the camp. Mr. Dorrier noted that he was a lifeguard at a pool in Scottsville when he was growing up, and said that it is difficult just to put a pool in anywhere, so one that has been there for that long would likely have more success than a new one somewhere else. He agreed that the limitation on campers is important, as is the decibel sound limitation and the sunset clause.

Mr. Snow said that he has been very concerned about doing the right thing here, noting that he has friends on both sides of the issue. He stated that he had concerns about the fire hazard, but the fire department has said they can work with it; the health department has approved the changes; VDOT has approved the traffic plan; the size of the pavilion is 800 square feet smaller than originally thought; the time of operation is limited to the summer months; the septic system would be approved under this plan; the handicapped parking is addressed with the lower parking lot; special events would be limited to Memorial

Day, Labor Day and July 4th; construction access has been answered; there would be no swim meets; and it is a historic treasure. Mr. Snow said that the last question is whether he would be willing to have this in his backyard, and mentioned that he recently hosted 12 youth for a campout on his property, where they had a fire and told stories, and basically it was a good experience. He stated that he would support approval of this application.

Mr. Thomas agreed, adding that he agrees with what has been said and also has friends on both sides of the issue here. He stated that he has been in that pool many times, and he thinks that it will be good for the neighborhood.

Mr. Boyd stated that this is a difficult issue for all Supervisors as it is a neighbor versus neighbor situation, but the Field School has been a tremendous success and he is confident that Todd Barnett will do the right thing and be a good neighbor to the people out there. He also said that he tends to go with Mr. Snow's thoughts, since this is his district.

Ms. Mallek agreed, adding that having staff, neighbors, and others weigh in has provided assurance that a good choice will be made. She feels this is a great opportunity for a balance of a successful pool, a successful camp, and tranquility for the neighbors.

Mr. Davis asked Mr. Cilimberg to clarify that condition #1 should state that "the pavilion footprint shall be no larger than 1,300 square feet," and asked if planning staff had a recommendation on condition #3 for the lighting plan.

Mr. Cilimberg noted that that is a standard condition brought forth by Ms. Thomas to ensure there is not an overflow of lighting onto adjacent properties.

Ms. Mallek said that since there are no evening hours, it may not be necessary, and perhaps it can be stated as such.

Mr. Cilimberg stated that it would just be a waiver of that provision.

Mr. Rooker said that if they are going to have outdoor lighting, the condition should be the same as for other rural area activities.

Mr. Davis indicated that the condition could be changed to keep the first sentence and then continue to say "light levels at all property lines shall be no greater than .3 foot candles," which would impose the requirement but would not impose the lighting plan.

Mr. Cilimberg noted that a lighting plan is the only thing really available to decide whether that is going to happen or not, so that is what the Board would review to be able to consider lighting.

Mr. Davis said that if the plan is not intended to be waived, the condition should remain as it is.

Mr. Davis also said that the Commission recommends a 10-year time period, which would make the permit valid until April 6, 2021. In response to Mr. Rooker's concerns, Mr. Davis also stated that a condition #12 should be added, based on the Board's discussion, to state "No more than 100 overnight campers shall be permitted on the property at any time."

Mr. Snow **moved** to approve SP-2010-00035, subject to 12 conditions. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

(The conditions of approval are set out below:)

1. Development of the SP201000035 uses shall be in general accord with the conceptual plan titled "Blue Ridge Swim Club " prepared by Kelly Strickland and dated December 20, 2010 and revised February 2, 2011 (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:
 - *Limits of disturbance*
 - *Location of pavilion building; Pavilion footprint shall be no larger than 1300 sf ft.*
 - *Location of parking areas*
 - *Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion*

as shown on the Blue Ridge Swim Club concept plan. 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 hours of operation for SP201000035 Blue Ridge Swim Club Camp: five days per week, Memorial Day weekend through Labor Day weekend and shall not begin earlier than 8:30 AM and shall not end later than 5:00 PM Monday, Tuesday, Wednesday, and Friday. On Thursdays, 8:30

- AM through overnight stays shall be permitted. The nighttime maximum sound level of 55 decibels shall be imposed from 9:30 PM to 8:30 AM.
3. 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.
 4. Food prepared off-site may be sold from a concession stand that is depicted on the Conceptual Plan.
 5. Approval of the Health Department for the well, septic and food concession shall be required prior to approval of a site plan.
 6. Approval by the Virginia Department of Transportation for the entrance shall be required prior to approval of site plan.
 7. Prior approval by the Fire Department shall be required prior to all outdoor cooking and/or campfires.
 8. No amplification of sound shall be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound shall comply with the applicable noise regulations.
 9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp shall not be permitted.
 10. No more than 200 people shall be on the property for any purpose at any time.
 11. SP 2010-00035 shall be valid until April 6, 2021.
 12. No more than 100 overnight campers shall be permitted at any one time.

Mr. Snow **moved** to approve SP-2010-00041, subject to 10 conditions. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

(The conditions of approval are set out below:)

1. Development of the SP201000041 uses use shall be in general accord with the conceptual plan titled "Blue Ridge Swim Club " prepared by Kelly Strickland and dated December 20, 2010 and revised February 2, 2011 (Attachment A) (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:
 - *Limits of disturbance*
 - *Location and size of pavilion building*
 - *Location of parking areas*
 - *Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion*as shown on the Blue Ridge Swim Club concept plan. 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 hours of operation for SP201000041 Blue Ridge Swim Club shall not begin earlier than 12:00 PM (noon) and shall end not later than 8:00 P.M., each day, seven days per week, Memorial Day weekend through Labor Day weekend.
 3. 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.
 4. Food prepared off-site may be sold from a concession stand that is depicted on the Conceptual Plan.
 5. Approval of the Health Department for the well, septic and food concession shall be required prior to approval of a site plan.
 6. Approval by the Virginia Department of Transportation for the entrance shall be required prior to approval of site plan.
 7. Prior approval by the Fire Department shall be required prior to all outdoor cooking and/or campfires.
 8. No amplification of sound shall be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound shall comply with the applicable noise regulations.
 9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp shall not be permitted.
 10. No more than 200 people shall be on the property for any purpose at any time.
-

Agenda Item No. 11. Community Development Work Program.

The following executive summary was forwarded to Board members:

On February 2, 2011, the Board considered the 2011 Community Development Work Program. (Attachment A) The Board expressed interest in expediting a Zoning Text Amendment (ZTA) for Rural Area churches and a Comprehensive Plan Amendment (CPA) for the Interstate Interchange Policy, requesting that staff provide an analysis of how this could be accomplished. The purpose of this item is to provide that analysis and seek Board direction.

Process Considerations

The consideration of any land use policy includes: 1) staff analysis, 2) public participation, 3) Planning Commission consideration, and 4) Board consideration. This ZTA and CPA will each require a legal advertisement period and public hearing as part of the Planning Commission and Board considerations. Beyond those legal requirements, the process can be modified to fit each of the issues. For simple, noncontroversial issues, staff routinely provides a quick analysis and limits the public participation to the required public hearings. The recently adopted ZTA for auto body shops on Highways Commercial zoned property is an example of success with this process. On the other hand, staff customarily provides an extensive public participation process for complex or potentially controversial issues. The recently adopted ZTA for farm sales is an example of success with this process. While the former example was completed in three months, the latter required over seven months, even with public consensus and staff making this their highest priority. From experience, staff has learned that attempts to shortcut the process for controversial issues is usually counterproductive, resulting in multiple public hearings, increased resource demands, increased public distrust, and little, if any, time savings. Staff finds it much more productive to attempt to resolve controversies, even if it delays the schedule, prior to bringing complex or controversial issues before the Board. Even if conflict cannot be resolved, staff uses this process to clarify any point of contention and to provide the Board with alternatives that can be considered.

Resources

The February 2011 executive summary included a chart for the proposed work program. (Attachment D of February 2011 executive summary) This chart shows that resources are very constrained for most of 2011 and there are few opportunities to shift priorities. In addition to considering available staff time, staff must be assigned work in their areas of expertise. For example, certain staff are experienced with Comprehensive Plan issues while others are experienced in managing Special Use Permits (SPs). While staff can manage issues outside of their areas of expertise, this requires more staff time and results in a loss of efficiency. In the case of the church ZTA, maintaining this efficiency would limit choices to delaying work on the sign ordinance and industrial zoning standards. For the Interstate Interchange Policy, this would require delaying work on the rest of the Comprehensive Plan update.

Rural Area Churches

This ordinance amendment would allow churches to avoid the need for a Special Use Permit (SP) by instead being regulated through the use of Supplemental Regulations. Staff believes the ZTA process presented to the Board in February should be used regardless of whether the schedule is accelerated. This process provides six months for staff analysis and seeking public input prior to bringing an ordinance amendment to the Planning Commission. Given the past controversy with a number of church SPs, staff believes this time is necessary to work through the issues and minimize any controversy prior to bringing the ZTA to the Board for consideration. The February 2011 schedule shows this work beginning in July, 2011. To accelerate work on this ZTA, staff would propose delaying work on the sign ordinance changes and Light Industrial (LI) uses until the church ZTA is completed. Staff does not recommend this change for two reasons. First, staff plans to begin work on the church ZTA in July, per the February schedule. A reprioritization will only accelerate this by a couple of months and only 1-2 church SP applications are anticipated in this time period. Thus, the benefit of this change is relatively limited. Second, most of the work on the sign ordinance and LI uses is nearing completion. Stopping work on those issues will result in lost momentum, effectively doubling the remaining work when it is resumed. Staff considers this a significant impact, as the sign ordinance changes and LI uses are priorities listed in the Board's January 2010 Action Plan or Economic Vitality Action Plan.

Interstate Interchange Policy

The current Comprehensive Plan schedule, as discussed with the Planning Commission on March 22nd, calls for staff analysis of the Land Use Plan, including the Interstate Interchange Policy, in Summer 2011, followed by public participation workshops in early Fall 2011, and then Planning Commission work sessions starting in late Fall 2011. The schedule then provides for focused citizen input meetings, if needed, in Spring 2012, followed by additional Planning Commission work sessions in Summer 2012, and final citizen check-ins before proceeding to public hearings for adoption of the entire plan. Adoption is anticipated by early 2013. As noted above for complex or controversial issues, this process is heavy in public participation and the milestones can shift depending on the rate of progress in the resolution of issues.

If there is interest in accelerating an update to this policy, staff would recommend maintaining the current schedule through the initial Planning Commission work session in late 2011, then breaking out this policy for a separate public hearing in early 2012. While this approach would require additional public hearings and may result in consideration of the policy without input from the targeted industry study, staff believes it could be accommodated with only small delays to the rest of the work on the Comprehensive Plan. The benefit of this approach is anticipated as a nine month acceleration of the policy consideration. The cost is estimated at 100 additional hours of staff time, delaying the rest of the Comprehensive Plan update by a month or two, and the cost of 2 additional public hearings. Finally, given the relationship

between this policy and the Yancey Mills CPA, the Board should anticipate considerable public scrutiny of the policy by groups that have proven vocal in their opposition to the Yancey plan.

While it would be possible to further accelerate this consideration by foregoing any staff analysis or public participation, staff does not recommend this approach except in a situation where there is a critical and immediate need. As noted above, staff's experience finds that shortcutting this process often fails and the failure creates public distrust. Staff also notes this approach would require abandoning the cooperative effort with the City and TJPDC that is scheduled for a public kickoff on April 27th. The benefit of this approach is an additional six month acceleration of this policy consideration. The cost of this approach is delaying other work on the Comprehensive Plan for six months, eroding City and TJPDC trust of the County, and eroding public confidence in our processes.

Staff's analysis has been limited to its considerations of currently available resources. Thus, the budget impacts are limited to the cost of additional public hearings. This budget impact does not consider any "soft" costs (e.g. public confidence in County processes).

1. For the RA Church ZTA, staff recommends keeping the schedule and process as presented in February. At best, staff would be able to accelerate the schedule by two months, and believes that it would not result in a significant benefit while delaying work on other issues.
2. For the Interstate Interchange Policy CPA, staff recommends keeping the schedule and process as currently being implemented with the Comprehensive Plan update to allow time for the target industry study to be completed before the Board's consideration. If the Board believes a nine month acceleration of the policy consideration is important, staff recommends consideration of the Interstate Interchange Policy be separated from the rest of the Comprehensive Plan following the initial review of the Land Use section of the Comprehensive Plan by the Planning Commission in late Fall 2011. A separate public hearing process would then be expedited for the Interstate interchange Policy, allowing completion in early 2012.

Mr. Mark Graham, Director of Community Development, addressed the Board, stating that they had asked him previously about accelerating ZTAs for the RA churches and to evaluate the interstate interchange policy.

He reported that with the current work program, the other programs are mandated and are required by ordinance except for GDS and Planning, and going from 2006 with peak of development to now there has been a significant reduction in staff. Mr. Graham said that the staff is very resource limited right now, and there seems to be an upward trend in development activity, which is stretching staff capacity severely and may create a future threat in terms of staff burnout.

He stated that from the February work session there were mandates, including consideration of the interstate interchange policy and other ordinance amendments such as the rural area churches. Mr. Graham said that the critical slopes issue is important to address, as Mr. Williamson pointed out earlier today, but there are not sufficient resources to address the issue.

Mr. Rooker stated that if there is any one issue to address out of those three, it would be critical slopes, because a lot of staff time is taken up on something that by ordinance is ministerial. He said that there is a reason why critical slopes cannot be built on without a waiver, and it needs to be made certain that those things are protected when a waiver is granted. He feels the County is taking up an awful lot of staff time and Planning Commission time and public hearing time on something that should be perhaps more objective.

Ms. Mallek said that if the criteria were laid out, an application would either meet it or not.

Mr. Boyd commented that he is concerned that there would be a lot of time spent on critical slopes and nothing would improve. He added that he is interested in seeing a cost-benefit analysis of these things, and said he does not understand why it takes so long to get through anything that we do when it has to do with the Comprehensive Plan. Mr. Boyd asked if the reason is that there is limited time per month for staff to accomplish those objectives.

Mr. Graham explained that it is not so much because of time involved in staff analysis, but more the time involved in taking public comments and incorporating them, and the direction received from the Planning Commission and the Board. He noted that when Places 29 came to the Board, he estimated a four-month timeframe and it ended up taking 13 months and four meetings with the Board because of numerous changes. He said that is really the heart of the time on these things. It is not the initial staff analysis.

Mr. Boyd suggested that laying out a timeframe for the Board or Commission might help them stay within a more reasonable calendar.

Mr. Rooker pointed out that every separate group who wanted to meet with staff, such as the Chamber of Commerce or the North 29 Business Council, that time was allocated.

Mr. Boyd said the Board should look at whether or not that can be changed.

Mr. Rooker stated that the Board cannot have it both ways. He added that the Board is often its worst enemy in trying to speed things up, because of allowing those other factions to weigh in.

Mr. Boyd explained that it was brought to his attention at the RWSA Board, whereby they separated the cost of the technical work from the input from public meetings. He said it looks like that is the part of the equation the Board needs to start looking at.

Mr. Rooker said that with respect to the items within the Board's purview, they need to keep in mind that they cannot tell staff they want a clear, defined timetable, but then allow other interests to have meetings with staff and take calls from people.

Mr. Boyd stated that he would like to limit the length for public input and not make it infinite.

Ms. Mallek said that there is a perception that it is infinite for some and not for others, and the process is important because it needs to reflect that one group is not being treated differently from another. She said if there is anything that Albemarle citizens are aware of and will fight to protect, it is the Comprehensive Plan, and people will be watching and will want to participate.

Mr. Boyd asked to see a timeline of the process regarding the interstate interchange item, and how much of it is staff time versus public input.

Mr. Graham said that the timeline now has the item before the Planning Commission by early fall. He also stated that the discussion with the public is not a bad thing, and the County does a very good job on policy, and part of the reason is because there is careful thought given to decisions. It makes it difficult to predict what it is going to take to do it, but he thinks that at the end of the day we end up happy that we went through that process. He acknowledged that it can be a little frustrating but it's just the nature of the beast.

Ms. Mallek stated that it gives the public a lot of confidence, and there cannot be a perception that the County is veering here and there. That will be a high-speed chase to court. She noted that there were decades when that was the case and we do not need to go back there.

Mr. Rooker said that a sign ordinance came up several years ago which pushed the schedule back, and of course everyone wants the biggest sign, but if that happens it diminishes the community for everyone. He stated that there was a huge amount of time invested in that, with a heavy burden on staff, to ultimately end up going in the wrong direction. Mr. Rooker commented that in that situation the Board kind of jumped around on the work plan.

Mr. Boyd stated that he would like to see the County move forward with the interstate interchange policy and the critical slopes policy if that will save time in the future.

Mr. Rooker said that anyone can meet with Mr. Graham individually, adding that he is not willing to support pulling individual items out of the Comprehensive Plan update, which will ultimately slow down the whole process. Mr. Rooker said that he would be willing to look at items like the critical slopes ordinance, which is an ordinance issue, not a Comp Plan issue, and could really save the public time.

Mr. Boyd asked when the critical slopes issue could be brought forth.

Mr. Graham explained that it is on the backburner because there are not enough staff members to pick it up. He said that it could be picked up with two months and if the Board does not want to bother with process, it could go to the Planning Commission in late June or July and back to the Board after that.

Ms. Mallek asked what he means by not bothering with process.

Mr. Graham responded that it would mean not going back out to a roundtable for discussion, but just taking it out as it is now and going to public hearing.

Mr. Rooker said that that is an ordinance change, and he does not understand why there should be a bunch of roundtables for an ordinance change, as there may be a work session where people can weigh in, in addition to public hearings. He does not think we need to spend a year looking at this.

Mr. Boyd commented that there would never be 100% agreement and you cannot keep going back trying to get consensus.

Mr. Dorrier said Mr. Graham and Mr. Cilimberg can decide if it needs to come to the Board or not.

Mr. Foley said that there is a balance between the ends of the spectrum, noting that they are dealing with the interchange policy, the rural area churches, and critical slopes. He stated that staff could come back with a scenario as to maximum public participation, and some places between. He said there are three issues here that the Board has got to prioritize in order to get this work done.

Mr. Rooker suggested prioritizing in the order of critical slopes ordinance, church special use permits, and then leave the interstate interchange discussion for the Comprehensive Plan review. He said that the first two items will save the County money, and essentially a structure would be put in place similar to cell tower reviews instead of going through a special use process.

Mr. Boyd agreed but said that the interchange policy could help with the economic vitality efforts already underway.

Ms. Mallek responded that she is not interested in supporting a radical change on that without the target study and some other background.

Mr. Rooker suggested looking at the first two issues first and then coming back to the interstate interchange policy, noting that there are two shopping centers that were approved at interchanges, but neither has been built. He does not foresee all of a sudden that the Board is holding up something that might otherwise happen because we have not dealt with that issue. Mr. Rooker added that the critical slopes and rural area churches are substantive items, not procedural.

Mr. Cilimberg pointed out that there are a few hot button issues that involve staff work to get them before the Planning Commission this fall, such as interstate interchanges and potential growth area expansion, so there will be the opportunity at that point to give some direction. He stated that staff has outlined a two-year program to get the Comprehensive Plan review done, and staff's goal is to simplify the document and hit the priority issues.

Mr. Foley stated that if the Board agrees on Mr. Rooker's proposed order, with good participation from the public built in, staff will still come back and provide feedback so that the work plan can continue as outlined. He said that the target industry study will be going on, and staff will come back within six months with some information on that as well as progress on the other two items.

Mr. Rooker **moved** to direct staff to prioritize the following issues: Critical Slopes, RA Church ZTA; and directed staff to keep the schedule for the Interstate Interchange Policy CPA and process as currently being implemented with the Comprehensive Plan update to allow time for the target industry study to be completed before the Board's consideration. Ms. Mallek **seconded** the motion.

Mr. Boyd commented that besides the two projects Mr. Rooker mentioned, there are other projects that are being postponed because of Comprehensive Plan amendments, and asked if those applicants can move forward with CPAs.

Mr. Rooker responded that they can file for a Comprehensive Plan change at any point, but ultimately they will need to get the votes to move it forward.

Mr. Boyd said that there has been a tendency to put them off in deference to Comprehensive Plan changes.

Mr. Cilimberg said that there was a Comprehensive Plan request at an interstate interchange that went to the Planning Commission and they voted it down.

Mr. Graham said that it also came to the Board, who decided it should be considered as part of the Crozet Master Plan.

Mr. Rooker noted that part of it is not liking the result.

Mr. Boyd said that it is not that at all, and the issue is still lingering out there.

Mr. Rooker said that it is not lingering; the Crozet Master Plan was approved, with the Planning Commission voting on it as well as the Board.

Mr. Boyd said that the Board told the applicant to bring the item back separately.

Ms. Mallek stated that the applicant has not done anything, and it is not the Board's job to do the homework for him.

Mr. Dorrier agreed with the prioritization outlined by Mr. Rooker.

Mr. Thomas said that he hopes the interstate item does not take two years.

Mr. Boyd said that he did not understand the motion.

Mr. Rooker stated that the motion is to set the three priorities as described and visit the other items as described by Mr. Cilimberg.

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

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

NAYS: None.

Mr. Graham noted that the urban agriculture issue came up this morning, and he wants to make sure that the Board is not going down a slippery slope here. He said if we start down that slope we are never going to get this Comprehensive Plan change done.

Mr. Foley suggested coming back to the Board on the Comprehensive Plan as a whole and let them know how that is going to lay out.

Ms. Catlin pointed out that the Crozet Master Plan update and several other recent issues have come with a public participation plan so that the Board can see and approve what that is all about.

Mr. Foley commented that the master planning process is a significant effort, and some of the issues discussed today are not as extensive.

Mr. Rooker said that the issues that are part of the Comprehensive Plan need to be handled carefully and not just broken out because some people asked them to be. He said we need to have some discipline ourselves, or the whole process gets destroyed.

Mr. Dorrier stated that when something like Biscuit Run happens, the Board needs to be prepared to act.

Ms. Mallek said that the Board did not really need to do anything, it happened on its own.

Mr. Boyd said that while Ms. Catlin does a tremendous job with public input, consensus will never be reached.

Ms. Catlin stated that having an agreed-upon approach from the beginning helps staff to understand expectations so they do not have to make decisions on the fly.

Mr. Rooker commented that at some point the Board's job is to make that decision, and there will always be someone who is not happy with it.

Mr. Foley said that staff has received some good direction today and would run the process back through a Consent Agenda for Board review.

Mr. Boyd and Ms. Mallek said that they would like to see that come through.

Mr. Boyd said that he would agree to a more scripted process.

Ms. Mallek pointed out that the applicants must do their homework too, and not come in with incomplete applications. She emphasized that the Comp Plan is a different thing from specific applications, and she is nervous about taking things out and not having the broad picture.

Agenda Item No. 24. From the Board: Matters Not Listed on the Agenda.

Mr. Graham mentioned that a ZTA on the Batesville wireless policy would be going to the Planning Commission on April 19 and if there is an interest from the Board in accelerating that to have a May public hearing, staff would need direction prior to a Planning Commission action. He said that it would require a slight change in the ordinance, and it would otherwise be heard by the Board in June, assuming it gets out of the Commission on the 19th.

Agenda Item No. 25. Adjourn to April 19, 2011, 6:30 p.m., Martha Jefferson Hospital, Kessler Conference Room, located at Peter Jefferson Place.

Mr. Rooker **moved** to adjourn their meeting to April 19 at 6:30 p.m. at the Kessler Room at Martha Jefferson Hospital. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

There being no further business, the Board adjourned their meeting at 5:28 p.m.

Chairman

Approved by Board
Date: 01/04/2012
Initials: EWJ