

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 4, 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, 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.

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

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Agenda Item No. 4. Recognitions:

Item No. 4a. National Tourism Week Proclamation.

Ms. Mallek read and presented the following proclamation to Mr. Kurt Burkhart, Executive Director, Charlottesville/Albemarle Convention & Visitors Bureau:

**National Tourism Week  
May 7 through 15, 2011**

**WHEREAS,** *the travel and tourism industry in Albemarle County continues to be vital to our economic stability and growth; and it contributes significantly to our County's cultural and social climate; and*

**WHEREAS,** *the travel and tourism industry supports the vital interests of the Albemarle County community, contributing to our employment, economic prosperity, international travel and relations, peace and understanding and goodwill; and*

**WHEREAS,** *the Charlottesville Albemarle Convention and Visitors Bureau is funded through the collection of the overnight hotel tax from County hotels, bed & breakfasts, and campgrounds; and*

**WHEREAS,** *the mission of the CACVB is to enhance the economic prosperity of the County by promoting, selling, and marketing the destination; and*

**WHEREAS,** *in 2009 the Virginia Tourism Corporation reported \$254.6 million in direct visitor spending in Albemarle County; and approximately 2,825 jobs in Albemarle County are directly supported through the tourism and hospitality industry, which includes lodging, food service, attractions, agritourism; and payroll for these individuals was \$49.6 million; and*

**WHEREAS,** *the U.S. Travel Association estimates that 1 of every 8 non-farm jobs in the United States is created directly or indirectly or induced by travel and tourism; and*

**WHEREAS,** *every citizen in Albemarle County benefits from the positive economic impact of the tourism industry; and, it is fitting that we recognize the importance of travel and tourism.*

**NOW, THEREFORE, BE IT RESOVLED,** *that I, Ann Mallek, Chair of the Albemarle County Board of Supervisors, do hereby proclaim the week of*

**May 7 through 15, 2011  
as  
NATIONAL TOURISM WEEK**

*in Albemarle County, and I call upon all citizens to recognize the value of the tourism industry in our community and to observe this week with appropriate ceremonies and activities.*

Mr. Burkhart thanked the Board for the proclamation recognizing National Tourism Week, an event that began in 1984 and recognizes the contributions made by the many who work in hospitality and other businesses that support tourism and travel. Mr. Burkhart said that the Charlottesville-Albemarle Convention and Visitors Bureau appreciates the support of this Board and together, with the many partners throughout the County and surrounding region, believe that their message "Why Travel Matters" is very appropriate.

The words of this proclamation speak to the thousands of jobs and businesses that cater to and support tourism related activities, and the positive economic impact that they bring to the entire country. Travel matters and according to the Virginia Tourism Corporation, it supported more than 204,000 jobs, generated \$17.7 billion in revenue and provided \$1.24 billion in state and local taxes last year.

Mr. Burkhart said that locally, the CVB is pleased to be involved with the County on its Economic Vitality Plan especially in areas that promote the rural economy and tourism. They are especially excited and enthusiastically praise the creation of the Monticello Artisans Trail. Ms. Susan Stimart has done a terrific job in rallying local artisans, and they thank her for the support and cooperation extended to the CVB. Mr. Burkhart also expressed appreciation for Lee Catlin's service to the CVB as the County Executive's designated representative on their Board of Directors. Ms. Catlin and Ms. Stimart have a keen understanding of and an appreciation for what the tourism marketplace is; they have shared their thoughts, offered suggestions, and have extended insights into how the CVB can further enhance the visitors experience in Albemarle County.

Mr. Burkhart provided Board members with a copy of *Vintage: The Winemakers Year*. The CVB was one of the underwriting organizations along with Virginia Tourism Corporation, the Department of Agriculture, and Payne Ross & Assoc. He also introduced Mr. George Benford of the CVB Board – who in 1994 attended President Reagan's signing of the proclamation for National Tourism Week.

Item No. 4b. Business Appreciation Week 2011.

Ms. Mallek read the following proclamation:

**BUSINESS APPRECIATION WEEK 2011**

**WHEREAS,** *Governor Robert F. McDonnell has recognized May 2-6, 2011 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and*

**WHEREAS,** *Virginia businesses play a pivotal role in strengthening our Commonwealth by embracing job creation, innovative technologies, and employing a diverse workforce to preserve the economic well-being of all our citizens; and*

**WHEREAS,** *Albemarle County is pleased to recognize the accomplishments of our entrepreneurs, especially our many small and existing businesses that contribute greatly to the economic recovery of our Commonwealth; and*

**WHEREAS,** *Albemarle County joined the Commonwealth in developing a supportive business climate to encourage investment, job growth and community involvement; and*

**WHEREAS,** *our key partners in the Charlottesville Albemarle Convention and Visitors Bureau, the Charlottesville Chamber of Commerce, the Thomas Jefferson Partnership for Economic Development, and the Albemarle County Economic Development Authority are invaluable in working with the County to support economic vitality for our community; and*

**WHEREAS,** *the theme for Business Appreciation Week 2011 is "**Entrepreneurship and Innovation for a Sustainable Future**", and this focus enables us to celebrate the many ways in which entrepreneurs positively impact state and local government, major industries, as well the lives of individuals in communities throughout Virginia.*

**NOW, THEREFORE, BE IT RESOLVED,** *that, I, Ann Mallek, Chair, on behalf of the Albemarle County Board of Supervisors, do hereby recognize **May 2-6, 2011** as **BUSINESS APPRECIATION WEEK** in Albemarle County, and call this observance to the attention of all our citizens, with particular appreciate to the Charlottesville Albemarle Convention and Visitors Bureau, the Charlottesville Chamber of Commerce, the Thomas Jefferson Partnership for Economic Development, and the Albemarle County Economic Development Authority.*

Ms. Mallek then recognized Albemarle's economic development partner organizations who are playing an important part in helping to develop and implement the County's Economic Vitality Action Plan and in supporting the economic stability and vibrancy of the community through their work:

**Mr. Tim Hulbert and the staff of the Chamber of Commerce** – the Board appreciates the Chamber's dedication to representing private enterprise, promoting business, and enhancing the quality of life in our regional community.

**Mr. Mike Harvey and the staff of the Thomas Jefferson Partnership for Economic Development** – the Board appreciates TJPED's focus on Research & Analytics, Site Selection Assistance, Entrepreneurial Support, Existing Business Service and Workforce Development Solutions to help create new jobs and investment in the Greater Charlottesville Region.

**Mr. Kurt Burkhart and the staff of the Charlottesville Albemarle Convention and Visitors Bureau** - the Board appreciates the CACVB's mission to enhance the economic prosperity of City and County by promoting, selling and marketing the City of Charlottesville and County of Albemarle, as a destination, in pursuit of the meetings and tourism markets.

**Mr. John Lowry and appointees of the Economic Development Authority** – the Board appreciates the EDA's efforts to promote industry and development by inducing manufacturing, industrial, governmental, nonprofit and commercial enterprises and institutions of higher education to locate in or remain in the County.

Ms. Mallek thanked all the individuals for their continued outstanding work on behalf of the County.

Mr. Bob Houdous addressed the Board on behalf of the Chamber and thanked the Board for their recognition. He also thanked the Board for what it is doing with its Economic Vitality Action Plan and for its efforts to maintain and grow the County's economic basis.

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

Mr. Boyd commented that he has a statement to make and will then follow it with a motion. He said that he believes that we as individuals and as local government should be good stewards of our environment, however he also believes that when the County signed on to the Cool Counties Accord a few years ago, it was being led down a path that he does not believe is in the purview of local government. He believes that it is now becoming evident that this initiative was just an extension of the United Nations initiative Agenda 21, which is administered by the International Council for Local Environmental Initiatives (ICLEI).

Mr. Boyd said that staff had indicated that this group was a subject matter expert on the agenda they thought that this Board wanted to follow and set, but he thinks it is the other way around. Mr. Boyd said that he believes the County is being infiltrated in local government by an agenda that is set by this international organization. He thinks it is time that County government took back control of that agenda. This Board and community have always been environmentally conscious, but it is not their charge to over-legislate the activities and behaviors of County citizens – not in this free country. Mr. Boyd commented that when the objectives such as instituting ordinances or legislation that will change the behaviors of our citizens, his only thought is who are we as a local government to tell people how they should live their lives. He stated that local government needs to lead by example, but leave advocacy to groups that have it as their mission statement – such as the PEC, SELC and ASAP. He does not think that is a mission of local government.

Mr. Boyd then **moved** that the Board immediately rescind support for the Cool Counties Accord and sever all relationships with ICLEI, and direct staff to continue to be good stewards of the environment through common sense, fiscally responsible, scientifically sound activities in the business of running just our own local government – not in trying to run the lives of our citizens.

Mr. Thomas **seconded** the motion.

Mr. Rooker said that this issue was raised at the recent budget hearing. The Board found out from staff that the County pays \$1,200 per year for software support for a program being used by the City, the County and the University so they can run certain feasibilities with respect to how various environmental approaches will affect reduction of environmental pollutants in the community. He stated that staff had indicated that this amount was about one-half of what the County had paid to another organization for a comparable system, so they felt the \$1,200 was a bargain.

Mr. Rooker emphasized that the whole idea that joining the Cool Counties initiative – which basically says the community will take steps to reduce carbon emission and pollutants in the community – is a good thing. He said that the whole idea of “international control” and “one government” is completely ridiculous. Mr. Rooker asked Mr. Boyd if he had ever received a call from anyone at ICLEI.

Mr. Boyd responded that he has seen an agenda put forward through Agenda 21, which is now becoming part of the TJPDC, to pass legislation and ordinances. This comes right out of their book. He said that staff is following their lead, not the local lead.

Mr. Rooker said that there is a zoning ordinance that imposes obligations and controls on citizens – as well as other ordinances – and every time the General Assembly meets they pass thousands of pieces of legislation. He stated that no one from ICLEI has ever sent a letter, called or showed up for a meeting, and the whole idea that local government is being directed by ICLEI is ridiculous.

Mr. Boyd said he disagrees; ICLEI staff has indeed been here, and staff has attended conferences supported by them.

Mr. Rooker commented that he resents having Mr. Boyd coming in here under other matters to go up for vote instead of putting it on an agenda – when it was already voted on in their recent budget meeting. If Mr. Boyd wants to let people in the public come in and speak on this matter; that is fine with him. He suggested letting people from both sides of the public know that this item is on the agenda.

Mr. Boyd said that this was originally passed by the Board in 2006 under “other matters,” brought up by Mr. Rooker.

Mr. Rooker said the issue actually came back for discussion twice; he does not think it passed the first time it was on the agenda.

Mr. Boyd commented that he thinks this is a “cancer that is infiltrating local government here.” He said that this legislation is intended to change the behaviors of our citizens and he is opposed to that.

Mr. Rooker responded that zoning ordinances and RWSA items change those patterns.

Mr. Boyd said that staff has said ICLEI is “the subject matter experts on this.” County staff is following ICLEI’s lead.

Ms. Mallek clarified that they are the subject matter experts on developing information on the baseline of energy consumption. That is what the software is all about.

Ms. Mallek stated that the Board has been having Comp Plan discussions for 30 years, makes its own decisions and takes public input that has nothing to do with anybody on the outside. She said that what she is concerned about is this effort to control the kind of information that the County will have access to because someone may not agree. Ms. Mallek stated that the Board needs to be looking for all the information that it can get to help the citizens in Albemarle County and local government have the best life possible. It is not appropriate to say that they are not interested in preserving the quality of life for their grandchildren. She said that many citizens are present today who have been involved in a long process to discuss ideas to help citizens become informed to make the kinds of choices voluntarily to improve their own personal lives. Ms. Mallek added that there are local business people who have modernized their facilities and have seen improvements in their bottom line by doing what is really the right thing. She said that to cut off that kind of discussion just because it is a different idea is a huge mistake.

Mr. Boyd said that he wants to cut off the influence from outside people. He stated that the County needs to continue to be good stewards of the environment through the means he already stated.

Ms. Mallek responded that the County is only spending \$1,200 on software that goes to that same purpose.

Mr. Boyd said that software doesn’t do anything but track a scientifically challenged and maybe incorrect synopsis.

Ms. Mallek replied that it may be correct, but Board members are not scientists and they need to be listening to others as well.

Mr. Rooker stated that just because one group comes in and stamps its feet doesn’t mean the Board has to jump, adding that it is the outside group that is coming in and causing the commotion – not ICLEI.

Mr. Boyd said that he has drawn his conclusions by looking at both ICLEI and local citizens. He does not think he is wrong by wanting to go along with the citizenry.

Mr. Snow stated that when this was discussed at the budget meeting, the Board was on the fence, and staff indicated that the same information can be obtained from VACo.

Mr. Foley responded that the cost covers the ongoing cost and maintenance, and assistance with the calculations.

Mr. Rooker noted that the City and the University use the software, which enables monitoring of the information together – with about \$400,000 in energy savings realized over the last several years.

Mr. Snow said that the County has been doing fine without the program, with the Comp Plan serving that purpose. He added that he does not feel that the County should rely on an outside source with their own agenda.

Ms. Mallek clarified that her point was that the Comp Plan has been implemented without influence by anyone from the outside – as Mr. Boyd inferred with his comment about TJPDC. She added that Mr. Boyd is accusing the Planning District of being under the thumb of some outside force, which is absolutely wrong.

Mr. Boyd responded that the five principles from ICLEI are the same as the TJPDC. His concern is with “changing the behavior of people.”

Mr. Rooker stated that the Board can decide what goes into a Comp Plan and what does not. He added that every ordinance the Board adopts changes behaviors including things as simple as a speed limit sign changes behavior. To suggest otherwise is ridiculous.

Mr. Snow agreed, but County staff is attending ICLEI conferences that have a definite agenda.

Mr. Rooker suggested hearing from staff, adding that there is a third party here who has an agenda and it is not ICLEI.

Mr. Boyd said that there are lots of groups that have their own agendas – PEC, SELC and ASAP. He again stated that he does not think local government should support agendas that are trying to change the habits of local citizens. He thinks that they should be a rule of law and there needs to be laws to keep people from speeding and being in danger. He thinks that Cool Counties is the real problem here, not ICLEI; it is driving County staff to believe that what the Board wants to do is control how local citizenry live.

Mr. Rooker suggested that this be put on an agenda so that staff can respond to the accusations where they are attending conferences where they are getting brainwashed by ICLEI.

Mr. Boyd stated that those are Mr. Rooker’s words, not his.

Mr. Rooker rephrased his comment, saying that Mr. Boyd contends that County staff is going out to these conferences and coming back and being influenced by ICLEI. He is not sure what it is that staff is being influenced to do. This Board votes on matters, not staff. Staff also attends business conferences; they attend all kinds of conferences that have to do with the performance of their duties. He said that he would like to hear from staff again.

Mr. Boyd said that the staff informed Board that they were the subject matter experts and that is why they think it is important to be a part of this. In his mind, if this group is the subject matter expert, then the County is following their lead. The five principles of ICLEI have been adopted into the new grant from HUD and what the TJPDC will do. He also asked if the Board had voted on revising a master plan when millions has already been spent on Places 29, Crozet, etc.

Mr. Rooker explained that the Comp Plan is required to be updated every five years. The Board will decide what goes in it based on recommendations from the staff and Planning Commission.

Mr. Snow asked what the other benefits are for joining ICLEI, other than having the computer program.

Mr. Rooker responded that it was staff's recommendation to spend the \$1,200 to get software, maintenance and support that they think is well worth it.

Mr. Dorrier pointed out that it also helps link the County with surrounding communities.

Mr. Boyd said that when staff said that ICLEI is the subject matter expert, that in my mind translates into the County is following their lead.

Mr. Rooker responded that that is on the software.

Ms. Mallek suggested having a work session on this issue at an upcoming meeting with staff.

Mr. Foley stated that it would be helpful to have staff come forward and discuss the other issues that have been mentioned here. He added that he would like to clarify the comments about staff attending conferences because they have not attended that many.

Mr. Boyd said that it is not about staff; it is about the fact that he thinks the County is not being directed by this local Board but by a group that has an agenda.

Mr. Rooker responded that that group has never come to the Board meetings, has never sent a letter suggesting how a matter should be voted upon, but Mr. Boyd contends that that group is infiltrating through staff, and he does not want to hear from staff about this supposed infiltration.

Mr. Boyd suggested having staff come forward now.

Ms. Mallek said that she would not do that and would instead recommend a work session.

Mr. Foley stated that this is a policy issue, but staff could certainly comment on what has been discussed today.

Mr. Boyd said this is a much larger issue than ICLEI or Cool Counties. He does think that Cool Counties is driving the County in a direction he does not want to go because he thinks it is trying to influence how the Board treats local citizens. He added that he is willing to withdraw his motion if the Board is going to have a work session on this issue.

Mr. Boyd said he also thinks that the Board needs to decide how it is going to go about updating the Comprehensive Plan. If there are specific legal issues or other matters that staff wants to bring forward, the Board should vote on whether time and money is spent on that. It should not be a total staff initiative or a TJPDC initiative. Nobody came to this Board and asked if it wanted to undertake a collaborative master plan with the City and the regional areas – it was never voted on here.

Ms. Mallek responded that in June there would be more discussion of this issue. It is her understanding that one proposal to help everyone in the City and County is having a map with the same colors. There will be three parallel processes – the City, County and University. The County is getting some staff support to do particular tasks in its master plan review because the individual is employed by the TJPDC. That is what all other counties in the Planning District routinely do because they do not have staff of their own for items such as traffic analyses or neighborhood plans.

Ms. Mallek said there is no grand master plan that is going to direct everything for all three communities. That is just a misunderstanding and she would be happy to have Mr. Foley present something to the Board that will lay out how that is going to go forward.

Mr. Boyd emphasized that any other changes to the Comp Plan should come from the Board, not from the TJPDC.

Ms. Mallek stated that she has already given staff a bunch of things to be considered and studied such as business enterprises, rural restaurants, etc.

Mr. Boyd said that it should be a consensus of the Board to move forward on those things, not individual members.

Mr. Rooker recalled that the Board supported the TJPDC seeking a \$1 million grant for them to assist in the Comp Plan updates for the City of Charlottesville and Albemarle County; Mr. Snow and Ms. Mallek was on the TJPDC at that time. It is not like this Board has not had participation on the ground floor of getting a joint Comprehensive Plan effort going. He emphasized that having the TJPDC involved has helped with consistency among plans between localities. Mr. Rooker reiterated that the Board sent letters of support for that grant, and two members were on the TJPDC at the time.

Mr. Foley noted that staff would provide all the background for these items for a work session, which would be scheduled for June.

Mr. Boyd stated that he would then **withdraw** his motion.

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Ms. Mallek reported that the Biscuit Run Committee met on Monday and hiked the property again. Stakeholders have developed a list of preferred and desired activities and facilities to be included. There will be a public meeting held June 6<sup>th</sup>, 7:00 p.m., in the Lane Auditorium and initial efforts of the planning committee will be reported out to the general public and comments following.

Ms. Mallek stated that she has been raising the concept of the essential component of a street connection from Old Lynchburg Road to Avon Street/Route 20 South, which will take a lot of persuasion from the locality to get into the plan – as it is not something typically included in a state park. She said that a committee member has suggested that the County and VDOT work together to provide a design, similar to some saved from the previous plans for the area, in order to get the State Parks Department to become more agreeable to this idea.

Mr. Snow asked if any State representatives are attending the meetings.

Ms. Mallek responded that some have attended previous meetings. Numerous members from the State Parks Department and the Department of Conservation and Recreation are always present.

Mr. Snow asked if there had been any discussion about a place for having a County fair site carved out of that area.

Ms. Mallek responded that she has advocated strongly for a multi-purpose pavilion that could be an anchor place for the fair, which was highly regarded in the community survey poll, and could also be available for music and dance events.

Mr. Thomas said that the County Fair officials said they would need 67 acres and asked if there was enough land available there.

Ms. Mallek replied that it is yet to be determined, but there would certainly be open fields and different sections for camping and trails. The July meeting would include diagrams to be brought forth to the community. She said that the State Parks Department is doing its site plan so they can identify critical resources to be avoided, and then they will determine which areas are buildable. All of that will be going on during the July and September meetings, and there will be another public meeting in the fall.

Mr. Boyd asked if there would be discussion of available funding to enable the plans to move forward in the near future.

Ms. Mallek responded that every ten years the State has a bond initiative for State parks and this is the ninth year, so the timing is ideal. She said that the final plan would be presented to the General Assembly in the fall so they can sign off on it.

Mr. Rooker said that the local Parks and Recreation Director asked about area available for playing fields, which has been a concern for him for the community. With 1,200 acres it seems that there could be some area set aside for fields. It also seems to him that they should be able to find an area within this 1,200 acres for the County Fair. He stated that there are already a lot of passive parks in the area. i.e., Preddy Creek, Byrom Park, as well as part of the national park that comes into Albemarle County, but there is really a greater need for active parks.

Ms. Mallek responded that it is certainly on the list.

Mr. Boyd said that his impression was that the State Parks Department felt that including playing fields was setting a precedent. If they could find somewhere else in the State where a park has a multi-purpose field, it may help to get the point forward.

Ms. Mallek stated that she hasn't really encountered any resistance to the idea and it would be discussed again in the near future.

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Mr. Thomas announced that the Lewis & Clark Exploration Center is planning open houses over the next few Saturdays. He suggested that Board members go see the barn there as it is quite authentic looking.

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Ms. Mallek reported that the first meeting of the new Fire and Emergency Medical Services Board met last Wednesday and there was very positive discussion. The By-laws Committee has been working hard over the last couple of months to provide structure for the new system.

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Ms. Mallek stated that Board members had received a letter from an elderly resident in the southern part of the County who had been bitten by a dangerous dog in her neighborhood. She learned from Animal Control Officer Kim Maddox that they have achieved resolution on this issue. Ms. Mallek said that at least once a week Ms. Maddox is encouraging residents to bring similar issues to the Board. She wants the Board to revisit the issue of dogs running at large in the rural area. She stated that just because someone lives in the rural area does not mean they should have a lower quality of life, and the County should not wait until there is a death – as there was in Orange County and in Spotsylvania.

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Ms. Mallek said that the Coalition Against Bigger Trucks continues to work on limiting travel on certain roads, but the biggest protector of rural roads was defeated last year. She stated that there is a big push in Congress for legislation that would allow the 120-foot vehicle combinations and to allow 85,000 pounds instead of 50,000 pounds – with the extra fees paid not coming close to covering the expenses generated. Ms. Mallek said that Police Chief Colonel Sellers investigated this issue and found that there is no prohibition for tandem trailers on County roads. She had a terrifying experience with a tandem on Horseshoe Bend Road in Earlysville when she had to slam on the brakes and pull to the right of the road to avoid being hit. She asked the Board if it would agree to supporting a letter to the County's Congressmen in opposition to this legislation.

Mr. Rooker said that in the past the Board has signed letters opposing the additional tandem length and stated that it is a real safety and maintenance cost issue. He added that the back trailer on these triple trailers can move about ten feet in one direction or the other undetected by the driver. He suggested that if necessary the letters should be re-circulated and resubmitted.

Ms. Mallek said she will provide Board members a draft letter and background information on this issue.

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Ms. Mallek noted that Board members may have received questions from constituents regarding changes in the land use program assessments and the use of SLEAC figures from the State. She has talked to Mr. Bob Willingham, Real Estate Assessor, and he is preparing a thorough analysis of this issue with revalidation information to come before the Board in June.

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

Mr. Charles Battig addressed the Board, asking how Albemarle County measures climate and noting that they have committed the County to stabilizing climate. He said that neither of the speakers at the County's carbon workshop in February seemed particularly informed on the matter. He added that the greening of business is essentially a money maker. Mr. Battig stated that for \$1,200, ICLEI has bought into Albemarle "on the cheap," and at the VMI Virginia Environment Symposium there were numerous commercial vendors who specialize in greenhouse gas measurement – and the County could contract with them. The County does not have to belong to ICLEI to be good environmental stewards. Consider the possibility that climate issues are a false front for ICLEI in its real objective as a power grab of local government.

Mr. Battig said that the County staff was responsible for joining ICLEI so interviewing County staff about ICLEI is asking the wrong people. In 2007 Mr. Rooker introduced joining Cool Counties as an item not on the agenda. In February 2008, he said, staff recommended that the County join ICLEI. The VMI Virginia Environmental Symposium had a session run by ICLEI officer, Megan Wu whose names appears on some of the County documents. Mr. Andy Lowe, the County's Environmental Compliance Manager, was a registered attendee at the symposium.

Mr. Battig stated that Charlottesville Tomorrow issued an article by Brian Wheeler that quoted TJPDC, Executive Director, Stephen Williams as saying, "We have no intention to dictate to people what they can do with their land or to place any new requirements on them. We are not in the business of telling them what to do." Mr. Battig asked how the two Supervisors who are listed as Commissioners can explain how the Livable Communities Planning Project is not pushing its own version of sustainability, citizen behavioral change and social justice objectives to be codified in the County's Comprehensive Plan.

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Mr. Charles Winkler said that he is a retired federal worker. His attention was drawn to ICLEI and the sustainability issue out of his experience working in the Soviet Union and Eastern Europe countries. Mr. Winkler said that Agenda 21, the basis for ICLEI and sustainable development, identifies nine groups of civil society – women, children, youth, indigenous peoples, non-governmental organizations, local authorities, workers and trade unions, business and industry, scientific and technological communities and farmers – but somehow this excludes people like him. He also said that Agenda 21 says that governments should take measures to incorporate the concepts of environmental awareness and sustainable development throughout the curricula. He asked if the County and City School Boards had signed onto sustainable development. Mr. Winkler said that ICLEI's mission is to "build, serve and drive a movement of local governments to advance deep reductions in greenhouse gas emissions and achieve tangible improvements." Regarding the ICLEI software, he stated that there are emissions based on

source and residential sector – which states that electricity accounts for 87% of overall emissions of CO2 – and asked how this can be when a power plant is used elsewhere. Mr. Winkler also asked how this data is checked against other sources.

Mr. Rooker asked what the date of Agenda 21 is, and asked if he was suggesting that this was the beginning of the term sustainable development. Mr. Winkler responded that the terminology is omnipresent in Agenda 21. Mr. Rooker noted that the County first used the term in its Comprehensive Plan many, many years ago.

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Mr. Joe Draego addressed the Board, asking Mr. Boyd if he felt that the community is possibly being manipulated by some outside entity. Mr. Boyd responded, “Yes.”

Mr. Draego said that he feels the same way about the constant intrusion of government into personal and private lives, such as the red light cameras installed in the County. He also cited examples such as the body scanners at airports and devices that police officers can use to download cell phone data. He asked, “Where does this end?” Mr. Draego asked where the boundary line is finally drawn where the government does not pass a certain point, as there is more and more intrusion into private lives. These cameras are a gradual slide toward authoritarianism which is one short, small slippery step to fascism. He asked the Board to consider removal of the cameras, as government has an obligation to protect civil liberties. He plans to come back to every Board meeting and ask this question. Mr. Draego said that he would like to have a back and forth conversation with the Board.

Mr. Rooker responded that the Board does not engage in that type of exchange at the meetings, but citizens can call a Board member and discuss the issue.

Mr. Dorrier pointed out that the camera item would be coming before the Board again for discussion as planned.

Mr. Rooker said that the cameras were approved unanimously by the Board, along with a provision to review their use in one year.

Mr. Draego responded that people are being given fines that they do not deserve.

Mr. Thomas said that he has spoken with the Police Chief who indicated that it needs to be monitored longer to allow better statistics.

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Mr. James Byrom addressed the Board, stating that he had addressed the Board several weeks ago regarding an adjacent property to his on Blackwell’s Hollow Road. Mr. Byrom said that this property has two structures located at 4225 and 4227 Cottonwood Headquarters Lane. These properties embody a long-standing, systematic, and willful violation of County Building Codes, which he and his father brought to the County’s attention over a year ago.

He said that he has spoken with the Building Official, County Executive and the County Attorney on this matter. The last time he appeared before the Board he had to keep his comments to three minutes. The County Executive and County Attorney has said that the Building Official had reviewed the matter and indicated there was no illegal contracting – which was shown to be false in subsequent conversations with the Building Official. Mr. Byrom stated that what specifically concerned him is that the County Executive and County Attorney offered plainly incorrect and appalling justification for a belief that no laws are being violated in accordance with the Virginia Code, which requires that if you do not use a licensed contractor you meet four simple exemptions – that you are the property owner, that it is your primary residence for personal use, that you do the work yourself, or that you supervise the work.

Mr. Byrom said that the landowner, who lives in Illinois and has not traveled to the property in over one year, was deemed to meet the provision of supervision under the Virginia Code for that compliance – which is plainly, plainly false. He added that because this landowner is in the military he can designate that he is a resident in the property – but he is not a Virginia resident and is a resident of Florida. The resident has not lived in the house on this property since he was a minor. It troubles him to this date that this matter continues. Mr. Byrom said that the Building Official told him last week that he is responding and that if the contractor or landowner nails a single nail every six months, he (the Building Official) cannot do anything about it. He asked the Board to look into this matter to ensure that compliance with the County Code and Virginia Code are followed with accordance of the law.

Mr. Rooker asked if the landowner here is his brother. Mr. Byrom responded that he is and asked if it matters.

Mr. Rooker said that he wanted to know if that was the case and asked if the situation was one whereby the landowner is complaining. He said that he is trying to understand the facts.

Mr. Byrom responded that if the landowner is engaged in fraudulent contracting, in violation of the Building Code, with blatantly falsified affidavits in conspiracy with this unlicensed contractor, the landowner would not complain as he is engaged in illegal enterprise. He also stated that he owns property immediately adjacent to one of the two structures – and it incurred a fire in February of last year that nearly burned the house to the ground. Mr. Byrom indicated that the property is less than 50 feet from his property line and his barn, which is a risk to his property and a risk to tenants in that structure. He added

that the fire was not reported to the Fire Department or to the Building Official and was caused by wiring done by the unlicensed contractor.

Mr. Rooker said that any crimes need to be reported to the Police.

Mr. Byrom responded that they have been reported to the Police and the Commonwealth Attorney, but government has the responsibility to follow the laws of the State and its own County Code – with an obligation to carry out statutory duties to see that the laws are followed.

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Mr. Morgan Butler, of the Southern Environmental Law Center, stated that the ICLEI conversation covered three major issues – the County's \$1,200 annual contribution; the County's participation in Cool Counties, which is a non-binding program to increase energy efficiency and pollution reduction in the county; and the upcoming Comprehensive Plan updates, which have generated questions about whether the County has sufficient control over what the results of that process will be. Mr. Butler stated that all of these issues seem to be based on an overarching concern that an international organization is somehow infiltrating local government and making decisions for it.

He said that Albemarle has been planning for fiscally and environmentally responsible ways to manage growth with its Comp Plans dating as far back to the 1970s – in terms of setting aside designated growth areas, rural areas, and having appropriate zoning and policies in place in both – an effort that took place well before Agenda 21 was enacted. Mr. Butler stated that Virginia law requires localities to update their Comp Plans every five years, and this year the County and City updates just happen to coincide – along with the region's long-range transportation plan. Based on last week's open house, he said, the TJPDC's involvement focuses on fostering greater communication and coordination between the two localities – recognizing the need for improved collaboration on environmental and economic issues that cross borders. He also said that there was concern about the TJPDC grant's mention of "changing citizen behavior," and this refers to providing more options for people to accomplish their daily needs – such as alternate transportation forms, which has been a priority item at MPO meetings. Mr. Butler stated that anything that comes out of the planning process requires a vote from the Board. Because issues such as energy efficiency, pollution reduction, smart fiscal and environmental planning, and cutting down on traffic are such critical issues for the community, he asked that the Board's work session next week allow for public input.

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Ms. Carole Thorpe, Chairwoman of the Jefferson Area Tea Party, addressed the Board, noting that she lives in Mr. Rooker's district. She said that she deeply resents an implication that they are not an equal member of this community. Ms. Thorpe said that the Tea Party has been here for two years and there have been no incidences or problems with the group, entitled to voice their opinion, entitled to go to any Supervisor with their concerns, just as JABA and any other community group. She asked Mr. Rooker to provide a tone of respect to the Tea Party.

She stated that the TJPDC, which has a nearly \$1 million grant from HUD that has all along been called "sustainable communities," and now they want to "whitewash" sustainable from the language and call it "livable communities." Ms. Thorpe stated that this is still about "sustainable development." She complimented Supervisors Boyd and Snow for their comments on this today. She said that there are more people from the community besides Tea Party members who feel this way also. She added that U.Va. Professor Emeritus Dr. Fred Singer has a recent paper entitled "The Sustainable Development Hoax" and she encouraged Board members to read it.

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Mr. Jeff Werner, of the Piedmont Environmental Council, said that the Board will decide on what is in the Comp Plan or not and what local regulations are or are not. Mr. Werner said that the word "sustainability" has been used and referenced for many years in County documents and there would be a lot of work to purge it. He stated that being infiltrated by and dictated to against their will by an international agency is absolutely the last thing that anyone in this community would ever allow. He would not allow it as an individual and would not allow it for his family. He said that he is somewhat offended that anyone would suggest that this community is so uniformed, so gullible and so stupid as to allow such a thing to happen.

Mr. Werner said that the Board has every right to evaluate participation in ICLEI, but it is astonishing to hear that moving towards cleaner air and reduced energy costs is a direction that people in this community do not support. He stated that emissions come from prevailing winds from other areas, and air quality monitors provide that answer.

Mr. Werner referenced a letter from PEC and six other organizations regarding the effort to review the County's Comp Plan through the TJPDC sustainability plan. The letter states that the local community has continuously affirmed its commitment to environmental protection and they encourage that it continue in this plan. He said that numerous documents support that one of the economic development advantages of this community are its environment, its beauty and its natural resources. Mr. Werner asked that the Board provide some information on where the community stands relative to what is in the development pipeline as the public needs a reasonable idea so they can have discussion about where growth is intended. He said that there is nothing unusual about a community reviewing a Comp Plan.

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Ms. Clara Belle Wheeler, a resident of the Rivanna District, said that she resents being called stupid by anyone in this room and said that her family was environmentally conservative before a lot of

people in this room were born. Ms. Wheeler stated that she supports the Tea Party agenda on this item, as well as the comments from Mr. Boyd and Mr. Snow, and Mr. Winkler and Mr. Battig. She asked the Board members to follow the money and they will see where it is. She said that she is here to follow the money on the Biscuit Run project. She said that she thinks the County taxpayers are due an accounting as to how much was spent when the project was being vetted for which the taxpayers are getting nothing. That money should be returned to the taxpayers by the developers who got the tax credits.

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Mr. Rooker said that he certainly intended no disrespect toward Ms. Thorpe or the Tea Party, but this issue is their issue, as they are the outside group trying to influence the issue – which is fine and is their right. He has never heard from the people who they accuse of a conspiracy. Mr. Rooker emphasized that they have never attempted to guide or influence a decision in the ten years he's been on the Board, but other groups do – and they have a right to. He thinks it is somewhat ridiculous to suggest that somehow there is some kind of a nameless conspiracy out there.

Mr. Boyd stated that the “attack position to take” is that he is for dirty air and unclean water, and there is nothing in his remarks that indicates that. He said that this community has done a very good job of being good stewards of the environment, and he is willing to wait for staff comment on the fact that ICLEI is the subject authority in their minds.

Mr. Rooker asked if Mr. Boyd has attended the Tea Party meetings and has spoken with Mr. Battig and Ms. Thorpe. Mr. Boyd confirmed that he has.

Mr. Rooker said that no Board members have heard from ICLEI members. The influence is being exercised by the people opposed to this issue.

Mr. Boyd contended that the language in the reports do reference the ICLEI charter.

Mr. Rooker said that the word “sustainability” has been equated to Stalinism, yet it has been used throughout State and Federal language for a long time. To suggest that the word “sustainability” has come out of Agenda 21 is simply inaccurate and not the case. If the Board is going to purge the word “sustainability” from everything in the County, maybe the people instituting this should take this broader and delete all references to the word everywhere.

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Agenda Item No. 7. Consent Agenda. Mr. Boyd offered **motion** to approve Items 7.1 and 7.2, and to accept the remaining items as information on the Consent Agenda. Ms. Mallek **seconded** the motion. (**Note:** Discussion on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

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

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Item No. 7.1. Approval of Minutes: October 6, 2010 and February 9, 2011.

Mr. Boyd had read his portion of the minutes of October 6, 2010, pages 1 – 40 (end at Item #9), and found them to be in order.

Mr. Thomas had read his portion of the minutes of October 6, 2010, pages 40 (begin with Item #9) – end, and found them to be in order.

Mr. Rooker had read the minutes of February 9, 2011 and found them to be in order.

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

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Item No. 7.2. FY11 Budget Amendment and Appropriations.

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

The total of the requested FY 2011 appropriations itemized below is \$119,863.49. 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:

- Three (3) appropriations (#2011075, #2011076, and #2011079) totaling \$45,034.49 for various School Division programs and
- One (1) appropriation (#2011078) totaling \$74,829.00 for the Emergency Communication Center (ECC) for a five-year maintenance contract that covers the 800 MHz in-building equipment in 26 public buildings.

Staff recommends approval of the budget amendment in the amount of \$119,863.49 and the approval of Appropriations #2011075, #2011076, #2011078, and #2011079.

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<b>Appropriation #2011075</b>	<b>\$475.00</b>
Revenue Source: Local Revenue	\$ 475.00

This appropriation request includes three donations provided to the School Division.

The recent personal property tax mailing included a form for taxpayers to make a donation to the Local Government or School Division. A donor contributed \$75.00 and requested that it to be used for the Monticello High School's JROTC program.

The School Division's Department of Operations and Systems Planning received a donation in the amount of \$100.00 from Westat, an employee-owned corporation which provides research services to agencies of the U.S. Government, as well as businesses, foundations, and state and local governments. In addition to their capabilities as a leading statistical survey research organization, Westat has developed skills and experience in custom research and program evaluation studies across a broad range of subject areas. The company donated this money to the Albemarle County School Division for participating in the pretest of the districts survey for the Integrated Evaluation of the American Recovery and Reinvestment Act (ARRA).

Brownsville Elementary School received a donation in the amount of \$300.00 from the Batesville Ruritan Club. The donor requested that this contribution be used to help Brownsville Elementary students participate in field trips or other educational programs in which there is a fee involved and some students, for financial reasons, may not otherwise be able to attend.

<b>Appropriation #2011076</b>	<b>\$32,415.54</b>
Revenue Source: Local Revenue	\$ 32,415.54

This appropriation request includes funds provided to the School Division by the Ohio Casualty Insurance Company, a donation, and December's lease payments from Utiopian Wireless.

This request includes appropriation of a check received by Albemarle County Public Schools from the Ohio Casualty Insurance Company, the Schools' property/casualty insurance carrier, in the amount of \$13,945.17. This check represents reimbursement for a driver's education car that was deemed to be a total loss.

This request includes a donation in the amount of \$1,170.37 provided to Henley Middle School by Henley's Parent and Teacher Support Organization. The donor has requested that the contribution be used to help fund the "Enrichment Time before 9" program for the month of February at Henley Middle School.

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

<b>Appropriation #2011078</b>	<b>\$74,829.00</b>
Revenue Source: ECC Fund Balance	\$ 74,829.00

This request is for an appropriation to the Emergency Communications Center (ECC). At its February 15, 2011 meeting, the ECC Management Board approved an appropriation of funds from the 800 MHz project account for the purchase of a five-year maintenance contract with Lord & Company that covers the 800 MHz in-building equipment and receivers in 26 public buildings. The cost of the coverage for the five-year period is \$74,829.00.

<b>Appropriation #2011079</b>	<b>\$12,143.95</b>
Revenue Source: Local Revenue	\$ 12,143.95

This appropriation request is for a School Division donation, field trip reimbursements, and additional lease payments from Utopian Wireless.

Virginia L. Murray Elementary School received a donation in the amount of \$4,038.53 from the Murray PTO. The donor has requested that this contribution be used to fund the M3 after school enrichment program at Murray Elementary School.

Sutherland Middle School and Walton Middle School received reimbursements for field trips from their Schools' activity funds. Sutherland Middle School received \$1,002.75 and Walton Middle School received \$2,502.67. These funds are reimbursements for the months of October and November 2010.

Utopian Wireless has agreed to pay the Albemarle County Public Schools in monthly installments for the lease of its broadband channel capacity. One check from Utopian Wireless totaling \$4,600.00 was received for their January and February lease payments. In past months, they have normally included monthly installment payments of \$15,000.00 in addition to the monthly \$2,300 lease payments. In accordance with their contract, Utopian Wireless has one remaining installment payment of \$15,000 in addition to the monthly lease payments. Albemarle County Public Schools is committed to maximizing student achievement and fostering collaboration among professional learning communities and stakeholders. Funds received from Utopian Wireless will be used to acquire specialized contracted services needed to migrate the current ACPS Intranet system to a new, functionally enhanced platform that will also serve as the foundation for future development. This foundation will serve as an optimized environment that will allow for increased collaboration and communication. Future development will involve deployment of a security gateway, single sign-on platform, collaboration environments, social networking and user profiles.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$119,863.49 and approved Appropriations #2011075, #2011076, #2011078, and #2011079.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011075  
 DATE 5/4/2011  
 BATCH#**

**EXPLANATION:** School Board Meeting - March 10, 2011

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J 2	475.00		
1	2202	61101	601300	Ed/Rec Supplies	J 1	300.00		
1	2304	61101	601300	Ed/Rec Supplies	J 1	75.00		
1	2430	62150	580500	Staff Development	J 1	100.00		
	2000		0501	EST. REVENUE			475.00	
			0702	APPROPRIATION				475.00
<b>TOTAL</b>						<b>950.00</b>	<b>475.00</b>	<b>475.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011076  
 DATE 5/4/2011  
 BATCH#**

**EXPLANATION:** School Board Meeting - March 24, 2011

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	15000	150510	Royalties-Cable	J 2	17,300.00		
2	2000	18100	181109	Donation	J 2	1,170.37		
1	2115	62420	300201	Parts & Maintenance DP	J 1	17,300.00		
1	2252	61101	160300	Stipends-Instructional	J 1	1,087.20		
1	2252	61101	210000	FICA	J 1	83.17		
	2000		0501	EST. REVENUE			18,470.37	
			0702	APPROPRIATION				18,470.37
2	3305	19000	199900	Recovered Costs-Insurance	J 2	13,945.17		
1	3305	61238	800501	Motor Vehicles - Replacement	J 1	13,945.17		
	3305		0501	EST. REVENUE			13,945.17	
			0702	APPROPRIATION				13,945.17
<b>TOTAL</b>						<b>64,831.08</b>	<b>32,415.54</b>	<b>32,415.54</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011078  
 DATE 5/4/2011  
 BATCH#**

**EXPLANATION:** ECC Maintenance Contract (800 MHz In-building Coverage)

							SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
4	4110	31060	435600	332000	1003	Maintenance Service Contracts	J 4	74,829.00		
3	4110	51000	351000	510100	9999	ECC Fund Balance	J 3	74,829.00		
	4110			0501		Est. Revenue			74,829.00	
				0701		Appropriation				74,829.00
<b>TOTAL</b>								<b>149,658.00</b>	<b>74,829.00</b>	<b>74,829.00</b>

COUNTY OF ALBEMARLE  
 APPROPRIATION

APP #2011079  
 DATE 5/4/2011  
 BATCH#

EXPLANATION: School Board Meeting - April 14, 2011

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	15000	150510	Royalties-Cable	J 2	4,600.00		
2	2000	18000	189900	Miscellaneous Revenue	J 2	3,505.42		
2	2000	18100	181109	Donations	J 2	4,038.53		
1	2115	62420	300201	Parts & Maintenance-DP	J 1	4,600.00		
1	2215	61101	152100	Wages-Substitute Teacher	J 1	3,751.54		
1	2215	61101	210000	FICA	J 1	286.99		
1	2254	61101	420100	Field Trips	J 1	2,502.67		
1	2255	61101	420100	Field Trips	J 1	1,002.75		
	2000		0501	EST. REVENUE			12,143.95	
			0702	APPROPRIATION				12,143.95
<b>TOTAL</b>						<b>24,287.90</b>	<b>12,143.95</b>	<b>12,143.95</b>

Item No. 7.3. FY 2012-2017 Six Year Improvement Program (SYIP) – County Priorities (other than Secondary roads) – Updated Information, **was received for information.**

The executive summary states that the Commonwealth Transportation Board (CTB) is scheduled to conduct a public hearing at the VDOT Central Office in Richmond on May 18, 2011 in order to provide citizens and public officials an opportunity to offer comments on projects in the Working Draft Fiscal Year 2012-2017 Six-Year Improvements Program (SYIP). On April 6, 2011 the Board of Supervisors approved the County's priorities for projects in the FY 2012-2017 SYIP other than those for Secondary Roads and requested that staff add information regarding project status. The County's priorities for VDOT's Six Year Secondary Construction Program will be considered separately at a Board public hearing on May 11, 2011.

Attachment A is the priority list that staff presented to the Board on April 6, and also includes the status of each project as requested by the Board. Staff plans to forward this to the CTB for inclusion in its May 18<sup>th</sup> public hearing record

Projects in the County's priorities for the FY 2012-2017 SYIP are primarily funded through state and federal sources, although private sources and the County's Capital Improvements Program have been or may be utilized for certain projects.

No action is necessary. This executive summary is provided for information only.  
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ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR FY 2012-2017 SYIP  
 (APRIL 2011)

I. MAJOR IMPROVEMENTS

1. Construct Meadow Creek Parkway from Route 250 Bypass to Melbourne Rd., including the interchange at the Route 250 Bypass. **Secondary/Urban/Federal earmark funds – Designed and funded to construct; County portion under construction.**
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; **Places 29 Priority project; Primary/Proffer/City funds – Funding committed to design and construct.**
  - 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; **Places 29 Priority project; No funding to design or construct.**
  - c. Construct Hillsdale Drive extension from Hydraulic Road to Greenbrier Drive; **Places 29 Priority project; Urban funds/Private right of way donations – Designed and being funded to construct.**
  - d. Construct Berkmar Drive extension. **Places 29 Priority project; Portion being constructed in Hollymead Town Center; CIP funding – available for design only (no funding to construct).**
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). **Interstate funding – I-64 interchange under construction; Portions of parallel roads constructed in private projects; no additional funding to design or construct.**

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); **CIP/Enhancement/Revenue Sharing funds - Crozet Ave. Streetscape project designed and funded to construct.**
  - b. Create bike lanes to and in downtown; **Secondary/Revenue Sharing funds – Jarman’s Gap Rd. designed and funded to construct.**
  - c. Construct Eastern Avenue, to include the Lickinghole Bridge and a railroad crossing; **Portion constructed in private project; No funding to design or construct.**
  - d. Construct un-built sections of Library Ave. east from Crozet Avenue to Hill Top St. **CIP funds - Portion constructed; No additional funding to design or construct.**
5. Widen Route 20 North from Route 250 to Elks Drive/Fontaine Drive intersection, including bike lanes and sidewalks. **No funding.**
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. **Proffer for a portion of Fontaine Ave. to Sunset Ave. Connector; No additional funding to design or construct.**
7. Widen Route 20 South from I-64 to Mill Creek Drive, including bike lanes and sidewalks. **No funding.**
8. Improve two intersections on Route 20 (Valley Street) in Scottsville: the Warren Street intersection and the Hardware Street intersection. **No funding.**

## II. TRANSIT IMPROVEMENTS

1. Regional Transit Authority - Funding to establish a regional transit authority to provide expanded transit service to Albemarle County and Charlottesville. **No funding.**
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.). **No funding.**
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. **Services provided in County by CAT are County funded.**
4. Inter-City Rail – Maintain increased inter-city rail service initiated to Charlottesville/Albemarle County in 2009. **State funded through 2012.**

## 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; **Enhancement/Revenue Sharing funds – Crozet Ave. streetscape project designed and funded to construct.**
  - b. Pedestrian crossings at strategic locations on Rt 29 North; **No funding.**
  - c. Route 250 East in Pantops - complete existing sidewalk system through extension and connections; provide pedestrian crossings at strategic locations; **CIP funding – under construction.**
  - d. Route 250 West from the City limits to the 250 Bypass area; **No funding.**
  - e. Route 20 South from City limits to Mill Creek Drive extended. **No funding.**
2. Intersection improvements on Route 250 West at 1) Tilman Road and 2) Owensville Road. **No funding.**
3. Full lane widths, paved shoulders and spot improvements on Route 22 and Route 231. **No funding.**
4. Traffic control improvements at the intersection of Route 250 West and Route 151. **No funding.**

(Discussion: Ms. Mallek asked for an update on the meaning of the widening of Route 250 East from I-64 to the Village of Rivanna.

Mr. Wayne Cilimberg, Director of Planning, responded that it was in the Village of Rivanna Master Plan that there would be a project to improve Route 250 East and further development was tied to those improvements. He added that the project has not yet been analyzed or designed.

Ms. Mallek also asked about Item 4 – Inner-City Rail, noting that the Richmond to Washington train is not doing well financially, but the local train is in danger of failing because of the failure of the other line.

Mr. Cilimberg confirmed that the state money is only going to be there if the Richmond line continues.

Mr. Boyd asked if this is intended to be a priority list.

Mr. Cilimberg responded that this could be considered projects in the major improvements list, with the Meadow Creek Parkway and all Places 29 projects being at the top. He added that anything beyond that is a lesser priority, and the money is not there even for these projects.

Mr. Boyd asked if some money does show up, would it be directed in this manner. Mr. Cilimberg responded, "yes". He added that CIP monies could be spent on the design of Berkmar Drive.

Mr. Boyd mentioned the proposed widening of Route 20 from Route 250 to Elks Drive. He heard from constituents wondering where things stand and asking if proffer dollars are being sought for that project.

Mr. Cilimberg explained that the County has a new project in on Route 20 North below Elks Lodge along Route 20, and the frontage needs to be addressed in terms of right-of-way reservation. He noted that sidewalks would be seen as part of the rezoning. He added that Route 20 up to Elks Drive was identified in the Pantops Plan for improvement.

Mr. David Benish, Chief of Planning, commented that the importance of that project is to provide for clear flow of traffic through the Route 250 and Route 20 North intersection – which is currently four lanes, queuing in very quickly to two lanes thus creating delays in the intersection. He stated that the intent is to extend a clear flow up to the first major intersection, with the improvements only going to Elks Drive because of the importance of protecting the scenic highway beyond that point.

Mr. Rooker pointed out that the list does not address secondary roads or bridge projects. Referring also to the proffer report, he asked what limitations are on the use of proffer funds to accomplish some necessary traffic projects.

Mr. Cilimberg responded that certain proffers carry expectations that the projects will be in areas where they have been approved, so not all accumulated funds could go to one project in one place.

Mr. Davis clarified that the accumulation of dollars represents a number of different proffers, with some more specific than others as to how money would be used. He said that very few general proffers have been assigned since the adoption of the cash proffer policy. Staff would have to analyze each proffer and the restrictions on the money.

Mr. Rooker said the County needs to look at every pot of money it has and he thinks they need to see whether the funds can be utilized for something useful, and do it as soon as possible.

Mr. Davis said a large portion of these proffers have been specifically identified for projects other than roads. Staff can look at that information.

Mr. Foley suggested providing some follow-up on any flexible proffer monies at the CIP work session on June 2.

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Item No. 7.4. FY2011 Third Quarter Cash and Non-Cash Proffer Report, ***was received for information.***

The executive summary states that beginning in 2007, the Board directed staff to provide a quarterly update on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers that benefit the County and mitigate impacts of development. This report includes proffer activity (both cash and non-cash improvements) for the months of January through March 2011 (FY2011 3rd quarter).

**Cash Proffers January-March 2011 (3rd Quarter Fiscal Year 2011)**

**Proffered:** There were no rezoning requests approved in this quarter that provided new cash proffers.

- A. **Total Obligated Cash Proffers:** Since no new rezonings that increased obligated cash proffers were approved during the 3rd quarter, the total obligated cash proffers remains the same as last quarter (\$38,851,330).
- B. **Revenue:** The County received a total of \$33,927 from existing cash proffers during this quarter from the following developments:
  - Belvedere \$1,250 for affordable housing
  - Liberty Hall \$16,000 for capital projects serving Crozet
  - Wickham Pond \$9,677 for capital projects serving Crozet
  - Old Trail \$3,500 for parks; \$3,500 for schools in Crozet
- C. **Total Interest Earnings:** The amount of interest earned during this quarter from collected cash proffers totaled \$896, bringing the total amount of interest earned on all proffers to \$318,639.
- D. **Expenditures:** One appropriation of \$111,385 in affordable housing proffer revenue was made by the Board on February 2, 2011 for the Office of Housing's Community Development Loan Fund for affordable housing programs.
- E. **Current Available Funds:** As of March 31, 2011, the available cash proffer fund balance is \$1,211,702. Some of these funds were proffered for specific projects while others may be used for general projects within the CIP (see Attachment A).

**Non-Cash Proffers**

**Proffered:** ZMA-2010-00014 Hollymead Town Center (Area A-1), approved on January 12, 2011, was the only rezoning approved during this quarter. The original rezoning included cash proffers and a number of non-cash proffers that were not revised with this rezoning approval. The rezoning amended one proffer for road improvements, primarily related to the completion of Meeting Street.

Staff will continue to keep the Board informed on non-cash proffers, including Transportation, Affordable Housing, Parks, Fire Rescue, Schools and other land dedications. Staff will also include the estimated cash value of satisfied non-cash proffers when reporting in future reports to the Board.

Cash proffers are a valuable source of revenue that supplements the funding of important County projects that would otherwise be funded by general tax revenue. In addition, non-cash proffers provide improvements that might otherwise be funded by general tax revenue. One dedicated full-time staff person continues to monitor and collect proffered funds, improvements and land dedications with the assistance of other County staff and outside agencies.

This summary is provided for information on proffer activity and no action is required. Staff welcomes any comments for improvements from the Board that they may wish to see in the future.

**(Discussion:** Ms. Mallek asked why the County was only receiving \$896 in interest on \$38 million. She asked if the County was receiving interest on a small part of the money only.

Mr. Foley responded that the County does not have the entire obligation in the bank earning interest. Some is promised but has not been delivered.

Mr. Boyd asked if there is still one full-time person dedicated to proffers since there is so little activity there.

Mr. Foley indicated that the staff person has other responsibilities as well, but he would clarify that for the Board.

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Item No. 7.5. Albemarle County Monthly VDoT Report, May, 2011, **was received for information.**

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Agenda Item No. 8. **Public Hearing: Compensation of members of Board of Supervisors.** To consider an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 1% effective July 1, 2011 from \$14,542.00 per annum to \$14,687.00 per annum. *(Advertised in the Daily Progress on April 18 and April 25, 2011.)*

Mr. Foley reported that this public hearing is to consider an ordinance to amend Chapter 2 of the County Code to amend Section 2-2.02, Compensation of Board of Supervisors, to increase compensation for an inflation factor of 1% effective July 1<sup>st</sup> – which is consistent with what has been approved for all County employees.

Mr. Rooker commented that the Board had decided eight or nine years ago to accept a raise in line with that of County employees, rather than make it a political issue.

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

Mr. Rooker **moved** to adopt the proposed ordinance as presented. Mr. Dorrier **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. 11-2(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, 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 2, Administration, Article II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

#### **CHAPTER 2. ADMINISTRATION**

#### **ARTICLE II. BOARD OF SUPERVISORS**

#### **Sec. 2-202 Compensation of board of supervisors.**

The salary of the board of supervisors shall be fourteen thousand six hundred eighty-seven dollars (\$14,687.00) for each board member effective July 1, 2011. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05, Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11)

**State law reference**--Compensation of board of supervisors, Va. Code § 15.2-1414.3.

**This ordinance shall be effective on and after July 1, 2011.**

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Agenda Item No. 9. **Public Hearing: Acquisition of Conservation Easements Program (ACE).** To consider an ordinance to amend Appendix A.1, Acquisition of Conservation Easements Program, of the Albemarle County Code by amending Sec. A.1-103, Definitions and construction, Sec. A.1-108, Ranking criteria, and Sec. A.1-109, Easement terms and conditions. This ordinance would amend the definition of "family member", amend the criteria for which points are awarded to rank parcels, and amend the required terms of County deeds of easement. (*Advertised in the Daily Progress on April 18 and April 25, 2011.*)

Ms. Mallek noted that this is the culmination of many months of work and thanked Andy Harrick and the ACE Committee for their work.

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

Acquisition of Conservation Easements (ACE) Committee is charged with the responsibility for recommending to the Board of Supervisors amendments to the ACE Program to ensure that it remains consistent with the intent of the Comprehensive Plan and corresponding policies as well as enhance the administration, implementation and effectiveness of the program.

Beginning in 2009, the ACE Committee undertook an evaluation of the effectiveness of the current ranking evaluation criteria utilized for identifying those properties deemed most worthy of protection by a conservation easement. Based upon this review, the Committee is recommending that the Board amend sections of the Ordinance related to Easement Terms and Conditions, Ranking criteria and Definitions and Construction.

The Committee recommends the following amendments 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.

Mr. Benish said after the public hearing, staff recommends that the Board adopt the attached ordinance amendment (Attachment A).

Mr. Benish said that also present and can answer questions are Mr. Ches Goodall, ACE Coordinator, and Mr. Andy Herrick, from the County's Attorney's office.

Ms. Mallek noted that the ACE Committee is very aware of the investment of tax dollars in this program and feels it is very important that standards are at least as high as those agencies receiving donated easements.

Mr. Boyd asked why the reward of points and the protection of identified resources are mandatory, and suggested instead that people just be disqualified.

Ms. Mallek explained that that essentially is the consequence, whereas in the past people had the option of doing those things and getting extra points.

Mr. Goodall said that the ACE Committee has always felt that they had a number of criteria that awarded points for protecting streams, for having prime soils, etc., but there were never any teeth put into the criteria. The Committee felt the people needed to do something tangible to protect those resources. The Committee was unanimously in feeling that it needed to upgrade the standard quality of their easements. They are spending a lot of money on the easements and do not want them to be soft easements. They want them to really be outstanding easements that do an excellent, comprehensive job in protecting resources.

Mr. Boyd stated that the way he is reading it is that a landowner who is not doing certain things is automatically disqualified even if they have held off on using their land in anticipation of being accepted into the program.

Mr. Goodall explained that what happens is when someone enters a class they are given information about the rights and restrictions on their property. The County would certainly never change things in midstream on a client.

Ms. Mallek added that landowners understand their responsibilities and would not stay in a class if they did something to degrade the resources they are offering.

Mr. Davis noted that any time prior to entering into an easement a landowner can do whatever they choose.

Mr. Goodall added that an applicant can withdraw any time up to recordation of the easement.

Mr. Boyd commented that he is not sure why people would be penalized in the event of a forced sale, as they might have to do in an estate settlement situation.

Mr. Goodall responded that in the 10 years he has run the ACE Program that issue has never come up. The Committee consistently tries to avoid single criterion that could "wag the tail of the dog."

He added that five points seemed like a tremendous amount of weight for the criteria of for sale properties, so the Committee recommended reducing that amount.

Mr. Boyd asked if people were being given credit for keeping property in their family for many years. He asked if that made the property more valuable.

Mr. Goodall replied that this criterion is similar to what the State uses, such as the Virginia Land Conservation Foundation, to award grants for things like Virginia Century Farms. The Committee wanted to recognize the value and the contributions of multiple generations.

Mr. Boyd commented that he doesn't see how a property like that is any more valuable than one a person bought ten years ago.

Ms. Mallek said that there is stability on a property with long-term ownership, and that does add value for a community – and it is less likely to have an unpredictable outcome.

Mr. Rooker noted that it is not a higher point category and would be a new addition to the one-point category. He added that these changes essentially comprise an approach that re-weights points and establishes requirements to ensure that things for which properties are receiving points are perpetuated after the easement is granted. Mr. Rooker mentioned that this is what the Virginia Outdoors Foundation and other organizations do.

Mr. Goodall added that this is also the County's way of keeping up with everyone else.

Mr. Thomas asked what would be included under a category of "forced sale."

Mr. Goodall responded that points are awarded for economic hardship – such as loss of a pension fund – and forced sale is usually a partition suit.

Mr. Davis said that it could be a partition suit, a bankruptcy, a foreclosure, an estate sale, etc., with the idea being to try to put those people in a position to continue to have an agricultural or conservation use of their property rather than to have it subdivided or sold.

Ms. Mallek emphasized that it is important for these dollars to be invested really carefully, which is a big responsibility.

Mr. Rooker pointed out that the proposed language states that a landowner cannot have a dwelling located within 200 feet of the highway if it's visible, and wants to make sure that the ordinance applies only to building new homes.

Mr. Davis stated that the language addresses new dwellings only, and only if the scenic value has been considered for points. He confirmed that the same holds true for dwellings along scenic rivers.

Mr. Rooker asked if the protection in the new ordinance exceeds the existing stream buffer requirements.

Mr. Goodall responded that it is.

Mr. Rooker asked the same applies to voluntary stream buffers.

Mr. Goodall explained that participation is voluntary for stream buffers, although it is similar to the mandated one in principle watersheds, but if a landowner agrees to take points for it they must abide by the same buffer restrictions.

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

Mr. Rooker then **moved** to adopt the proposed amendment to the County Code, Appendix 8.1, Acquisition of Conservation Easements Program. 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.

#### **ORDINANCE NO. 11-A.1(1)**

AN ORDINANCE TO AMEND APPENDIX A.1, ACQUISITION OF CONSERVATION EASEMENTS PROGRAM, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Appendix A.1, Acquisition of Conservation Easements Program, is hereby amended and reordained as follows:

**By Amending:**

Sec. A.1-103 Definitions and construction  
Sec. A.1-108 Ranking criteria  
Sec. A.1-109 Easement terms and conditions

## Appendix A.1 Acquisition of Conservation Easements Program

### Sec. A.1-103. Definitions and construction.

A. The following definitions shall apply in the interpretation and implementation of the ACE program:

(1) *Conservation easement.* The term "conservation easement" means a nonpossessory interest in one or more parcels of one or more qualified easement holders under section A.1-109(E) acquired under the Open-Space Land Act (Virginia Code § 10.1-1700 *et seq.*), whether the easement is appurtenant or in gross, voluntarily offered by an owner and acquired by purchase pursuant to the ACE program, imposing limitations or affirmative obligations for the purpose of retaining or protecting natural or open-space values of the parcel or parcels, assuring availability for agricultural, forestal, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of the parcel or parcels.

(2) *Division rights.* The term "division rights" means the number of parcels into which a parcel could be divided and developed with a dwelling and all associated improvements and utilities, counting both those parcels less than twenty-one (21) acres in size and those twenty-one (21) acres in size or greater that could be created, by a by-right conventional development under the rural areas zoning district regulations stated in Section 10 of Chapter 18, Zoning, of the Albemarle County Code, where each potential parcel could comply with all applicable requirements of Chapter 14, Subdivision of Land, and Chapter 18, Zoning, of the Albemarle County Code. Each division right represents the right to build a single dwelling, regardless of whether it is a primary or secondary dwelling.

(3) *Family member.* The term "family member" means a great grandparent or any natural or legally defined descendant of a great grandparent of an owner, or any spouse of a great grandparent or of any natural or legally defined descendant of a great grandparent of an owner.

(4) *Forced sale.* The term "forced sale" means a sale of a parcel with unused development rights in a manner prescribed by law that is conducted under a judgment, order or the supervision of a court of competent jurisdiction, other than a sale arising from a partition action; a sale resulting from foreclosure under the laws of the Commonwealth of Virginia; or, a sale that is not the voluntary act of the owner but is compelled in order to satisfy a debt evidenced by a mortgage, judgment, or a tax lien.

(5) *Hardship.* The term "hardship" means an economic hardship, other than a circumstance causing a forced sale, experienced by the owner of the parcel so as to compel him to place a parcel with unused development rights for sale or to use such development rights.

(6) *Owner.* The term "owner" means the owner or owners of the freehold interest of the parcel.

(7) *Program administrator.* The term "program administrator" means the director of planning.

(8) *Parcel.* The term "parcel" means a lot or tract of land, lawfully recorded in the clerk's office of the circuit court of the County of Albemarle.

(9) *Retained division rights.* The term "retained division rights" means the number of parcels into which a parcel subject to a conservation easement may be divided as provided in section A.1-109(A).

B. *Construction.* Because a conservation easement may contain one or more parcels, for purposes of the ACE program the term "parcel" shall include all parcels covered by, or proposed to be covered by, the conservation easement.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07; Ord. 09-A.1(1), 6-10-09)

### Sec. A.1-108. Ranking criteria.

In order to effectuate the purposes of the ACE program, parcels for which conservation easement applications have been received shall be ranked according to the criteria and the point values assigned as provided below. Points shall be prorated and rounded to the first decimal.

A. *Open-space resources.*

1. The parcel adjoins an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points, with one (1) additional point for every five hundred (500) feet of shared boundary; or the parcel is within one-quarter (1/4) mile of, but not adjoining, an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points.

2. Size of the parcel: zero (0) points for parcels of less than fifty (50) acres; one (1) point for parcels of at least fifty (50) acres; one (1) additional point for each fifty (50) acres over fifty (50) acres; one (1) additional point for each fifty (50) acres over two hundred (200) acres.

B. *Threat of conversion to developed use.*

1. The parcel is threatened with forced sale or other hardship: three (3) points.
2. The number of division rights to be eliminated on the parcel: one-half (1/2) point for each division right to be eliminated, which shall be determined by subtracting the number of retained division rights from the number of division rights.

C. *Natural, cultural and scenic resources.*

1. Mountain protection: one (1) point for each fifty (50) acres in the mountain overlay district, as delineated in the comprehensive plan; an additional one (1) point may be awarded for each twenty (20) acres within a ridge area boundary. For purposes of this section, the term "ridge area boundary" means the area that lies within one hundred (100) feet below designated ridgelines shown on county mountain overlay district elevation maps. The deed restriction set forth in section A.1-109(B)(1) shall apply if the parcel is eligible for points under this criterion.

2. Working family farm, including forestry: five (5) points if at least one family member's principal occupation and income (more than half) is farming or foresting the parcel; three (3) points if at least one family member has as a secondary occupation farming or foresting the parcel so that it is eligible for or subject to land use taxation as land devoted to agriculture, horticulture or forest use under Albemarle County Code § 15-800 *et seq.*: one (1) additional point if the parcel is certified as a Virginia Century Farm by the Virginia Department of Agriculture and Consumer Services.

3. The parcel adjoins a road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage if the parcel is subject to a deed restriction as provided herein; otherwise, one (1) point for each one thousand (1000) feet of road frontage; the parcel adjoins a public road: two (2) points, with one (1) additional point for each one thousand (1000) feet of road frontage; or, the parcel is substantially visible from, but is not contiguous to, a public road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points. The deed restriction set forth in section A.1-109(B)(2) shall apply if the parcel is eligible for points for adjoining a Virginia scenic highway or byway.

4. The parcel contains historic resources: three (3) points if it is within a national or state rural historic district or is subject to a permanent easement protecting a historic resource; two (2) points if the parcel is within the primary Monticello viewshed, as shown on viewshed maps prepared for Monticello and in the possession of the county; two (2) points if the parcel contains a site of archaeological or architectural significance as determined by a qualified archaeologist or architectural historian under the United States Department of Interior's professional qualification standards. The deed restriction set forth in section A.1-109(B)(4) shall apply if the parcel is eligible for points under this criterion.

5. The parcel contains an occurrence listed on the Virginia Natural Heritage Inventory or a qualified biologist submitted documentation of an occurrence of a natural heritage resource to the program administrator and the Virginia Division of Natural Heritage on behalf of the owner: five (5) points.

6. The parcel contains capability class I, II or III soils ("prime soils") for agricultural lands or ordination symbol 1 or 2 for forest land, based on federal natural resources conservation service classifications found in the United States Department of Agriculture Soil Survey of Albemarle County, Virginia: one (1) point for each fifty (50) acres containing such soils to a maximum of five (5) points.

7. The parcel is within the South Fork Rivanna Reservoir Watershed, the Chris Greene Lake Watershed, the Ragged Mountain Reservoir Watershed, or the Totier Creek Reservoir Watershed: three (3) points; or the parcel adjoins the Ivy Creek, Mechums River, Moormans River, Rocky Creek (of the Moormans River), Wards Creek (of the Moormans River), Buck Mountain Creek, South Fork Rivanna River, North Fork Rivanna River, Swift Run (of the North Fork Rivanna River), Lynch River (of the North Fork Rivanna River), Hardware River, Rockfish River, James River, any waters designated as "Exceptional Waters" by the Virginia Water Control Board, any public water supply reservoir or emergency water supply reservoir: one-half (1/2) point for each one thousand (1000) feet of frontage.

8. The parcel adjoins a waterway designated as a state scenic river: one-half (1/2) point for each one thousand (1000) feet of frontage. The deed restriction set forth in section A.1-109(B)(3) shall apply if the parcel is eligible for points under this criterion.

9. If the owner voluntarily offers in his application to place the parcel in a permanent easement that establishes or maintains buffers adjoining perennial or intermittent streams, as those terms are defined in Chapter 17 of the Albemarle County Code or if the parcel is subject to such an existing permanent easement: one (1) point for each one thousand (1000) linear feet of buffer that is between at least thirty-five (35) and fifty (50) feet wide; one and one-half (1 1/2) points for each one thousand (1,000) linear feet of buffer that is at least fifty (50) feet but less than one hundred (100) feet wide; two (2) points for each one thousand (1000) linear feet of buffer that is at least one hundred (100) feet wide.

10. The parcel is within a sensitive groundwater recharging area identified in a county-sponsored groundwater study: one (1) point.

11. The parcel is within an agricultural and forestal district: two (2) points.

12. The parcel is subject to a professionally prepared Forestry Stewardship Management Plan approved by the Virginia Department of Forestry: one (1) point.

D. *County fund leveraging.* State, federal or private funding identified to leverage the purchase of the conservation easement: one (1) point for each ten (10) percent of the purchase price for which those funds can be applied.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 04-A.1(1), 10-6-04; Ord. 07-A.1(1), 12-5-07)

**Sec. A.1-109. Easement terms and conditions.**

Each conservation easement shall conform with the requirements of the Open-Space Land Act of 1966 (Virginia Code § 10.1-1700 *et seq.*) and of this appendix. The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

A. *Restriction on division.* The parcel shall be restricted from division as follows: (i) if the parcel is less than one hundred (100) acres, it shall not be divided; (ii) if the parcel is one hundred (100) acres or larger but less than two hundred (200) acres, it may be divided into two (2) lots; (iii) if the parcel is two hundred (200) acres or larger, it may be divided into as many lots so as to maintain an average lot size of at least one hundred (100) acres, plus one additional lot for any acres remaining above the required minimum average lot size (*e.g.*, an eight hundred fifty (850) acre parcel may be divided into as many as nine (9) parcels, eight (8) of which maintain an average lot size of at least one hundred (100) acres, and the ninth of which consists of the remaining acres).

B. *Protection of mountain, scenic and historic resources.* The deed of easement shall include the following restrictions if the owner is eligible for points under section A.1-108 for the resources identified therein:

1. *Mountain resources.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(1) for mountain protection, the deed of easement shall prohibit establishing all primary and accessory structures and other improvements, provided that one or more farm buildings or agricultural structures may be permitted within the mountain overlay district with the prior written approval from each grantee; the deed of easement also shall assure that the parcel is used and maintained in a manner consistent with the comprehensive plan as it pertains to mountain resources and, in particular, the Mountain Design Standards in the Natural Resources and Cultural Assets Component of the comprehensive plan.

2. *Scenic highways and byways.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(3) for adjoining a Virginia scenic highway or byway, the deed of easement shall require that each new dwelling (a) have a two hundred fifty (250) foot setback from the edge of the right-of-way of the scenic highway or byway or (b) if within two hundred fifty (250) feet of the edge of the right-of-way of the scenic highway or byway, be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic highway or byway at any time of the year.

3. *Stream buffers.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(7) for being located within a watershed named therein or adjoining a stream named therein, the deed of easement shall require a stream buffer along any perennial stream, as that term is defined in Chapter 17, Water Protection, of the Albemarle County Code.

4. *Scenic rivers.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(8) for adjoining a Virginia scenic river, the deed of easement shall require that each new dwelling (a) have a two hundred fifty (250) foot setback from the top of the adjoining stream bank or (b) if within two hundred fifty (250) feet of the top of the adjoining stream bank, be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic river at any time of the year.

5. *Historic resources.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(4) for sites of archaeological or architectural significance, the deed of easement shall require that no such site shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by each grantee.

6. *Voluntary stream buffers.* If the owner voluntarily requested in his application that the parcel be awarded points in the evaluation process under section A.1-108(C)(9) for a voluntary stream buffer, the deed of easement shall require a stream buffer along any perennial or intermittent streams, as those terms are defined in Chapter 17, Water Protection, of the Albemarle County Code.

C. *No buy-back option.* The owner shall not have the option to reacquire any property rights relinquished under the conservation easement.

D. *Other restrictions.* The parcel also shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) the accumulation of trash and junk; (ii) the display of billboards, signs and advertisements; (iii) the management of forest resources; (iv) grading, blasting or earth removal; (v) the number and size of primary and secondary dwellings, non-residential outbuildings and farm buildings or structures; (vi) the conduct of industrial or commercial activities on the parcel; and (vii) monitoring of the easement.

E. *Designation of easement holders.* The county and one or more other public bodies, as defined in Virginia Code § 10.1-1700, and designated by the board of supervisors shall be the easement holders of each easement. The public body or bodies who may be designated by the board shall include, but not be limited to, the Albemarle County Public Recreational Facilities Authority and the Virginia Outdoors Foundation.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07)

Agenda Item No. 10. **Public Hearing: 2011 Redistricting Plan.** Ordinance to establish magisterial districts, election districts, precincts, and polling places. (*Advertised in the Daily Progress on April 18 and April 25, 2011.*)

The following executive summary was forwarded to Board members:

On April 6, 2011, the Board directed staff to proceed to public hearing on the 2011 redistricting plan and implementing ordinance using a revised version of the Plan 1 option that minimizes the number of split precincts created by the State House and Senate redistricting plans. The only boundary change to Plan 1 was to shift the portion of the proposed boundary between the Cale and Monticello precincts in the Scottsville Magisterial District from Avon Street Extended back to its current location along Scottsville Road. The revised Plan 1 has been named "Plan 1A."

The latest House redistricting plan was revised since the April 6, 2011 work session to no longer split the reconfigured East Ivy precinct in the Samuel Miller Magisterial District (25<sup>th</sup> and 57<sup>th</sup> House Districts). The latest House district boundary line now follows the proposed reconfigured precinct boundaries between the East Ivy (Samuel Miller Magisterial District) and University Hall (Jack Jouett Magisterial District). However, to re-balance the population shift from the foregoing House district boundary change, the Free Bridge precinct is proposed to be split by the 57<sup>th</sup> and 58<sup>th</sup> House Districts under the latest House plan.

The latest Senate redistricting plan has not materially changed since the April 6, 2011 work session and the three split precincts identified at the April 6, 2011 work session remain. Thus, the Woodbrook precinct in the Rio Magisterial District, the Jack Jouett precinct in the Jack Jouett Magisterial District, and the Stony Point precinct in the Rivanna Magisterial District, would be split by the 17<sup>th</sup> and 25<sup>th</sup> Senate districts under Plan 1A.

**Proposed Redistricting Plan 1A**

The 2010 Census data establishes the County's population to be 98,970. One of the requirements of redistricting 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 Redistricting Guidelines.

The following table shows how the population would be distributed under Plan 1A.

Magisterial District	Current Population (2010 Census)	Ideal Population	Current Difference from Ideal	Current Difference from Ideal (%)	Revised Population	Revised Difference from Ideal (%)
Jack Jouett	14,563	16,495	-1932	-11.71%	17,007	+3.10%
Rio	15,682	16,495	-813	-4.93%	16,807	+1.89%
Rivanna	17,425	16,495	+930	+5.64%	16,300	-1.18%
Samuel Miller	15,136	16,495	-1359	-8.24%	16,039	-2.76%
Scottsville	19,018	16,495	+2530	+15.30%	16,622	+0.77%
White Hall	17,146	16,495	+651	+ 3.95%	16,195	-1.82%

Maps of Plan 1A, which include breakout maps highlighting each of the changes to the magisterial district and precinct boundaries and the changed polling place location, are included as Attachments A through A4. An analysis of Plan 1A's compliance with the Guidelines is included as Attachment B. Demographic information is included as Attachment C. The proposed ordinance establishing the new magisterial district and precinct boundaries and identifying the polling places is included as Attachment D.

**Summary of the Key Changes**

The key changes to the existing magisterial district and precinct boundaries under Plan 1A are as follows:

1. Samuel Miller/Jack Jouett Magisterial Districts: The eastern-most portion of the East Ivy precinct of the Samuel Miller Magisterial District would be moved to the Jack Jouett Magisterial District and be placed in the University Hall precinct. (see Attachment A1).
2. Rivanna/Rio Magisterial Districts: The Briarwood and Camelot subdivisions within the Burnley precinct of the Rivanna Magisterial District would be moved to the Rio Magisterial District and be placed in the Northside precinct. (see Attachment A2)

3. Scottsville/Samuel Miller Magisterial Districts: The entire Porter's precinct of the Scottsville Magisterial District would be moved to the Samuel Miller Magisterial District. (see Attachment A4)
4. White Hall/Samuel Miller Magisterial Districts: The entire Yellow Mountain precinct of the White Hall Magisterial District would be moved to the Samuel Miller Magisterial District. (see Attachment A3)

In addition, within the Rivanna Magisterial District, the Burnley precinct would be expanded to the south from the North Fork Rivanna River to Powell Creek/Lake Hollymead, the Hollymead precinct, would be correspondingly reduced in size, the Burnley precinct would be renamed as the "Baker-Butler" precinct and its polling place would be moved from Northridge Community Church to Baker-Butler Elementary School.

Staff also reviewed data and conducted field work as necessary to verify the magisterial district and precinct boundary descriptions in the proposed ordinance. A number of minor technical changes in the descriptions are recommended, none of which affect magisterial district populations or the numbers of voters in precincts.

### **Detailed Explanation of the Key Changes**

Following is a detailed explanation of the key changes to the magisterial district and precinct boundaries under Plan 1A. The existing polling places will remain as they are under Plan 1A, with the exception of the Burnley (proposed to be renamed "Baker-Butler") precinct in the Rivanna Magisterial District, as discussed below.

#### Jack Jouett

District boundary: The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north, the U.S. 29 Bypass on the west, and Fontaine Avenue and the City limits on the south) of the Samuel Miller Magisterial District would be added to the Jack Jouett Magisterial District (University Hall precinct) (see Attachment A1). 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 Burnley precinct of the Rivanna Magisterial District would be added to the Rio Magisterial District (Northside precinct) (see Attachment A2). 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 A2). This change would decrease the population of the magisterial district by 1,125 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.

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.

### Samuel Miller

District boundary: The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north; the U.S. 29 Bypass on the west, and Fontaine Ave. and the City limits on the south) would be moved to the Jack Jouett Magisterial District (2,444 persons) (see Attachment A1). The entire Yellow Mountain precinct of the White Hall Magisterial District would be added to the Samuel Miller Magisterial District (951 persons) (see Attachment A3). The entire Porter's precinct of the Scottsville Magisterial District would be added to the Samuel Miller Magisterial District (2,396 persons) (see Attachment A4). 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 also 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 A4). This change would decrease the population of the magisterial district by 2,396 persons.

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

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

### White Hall

District boundary: The entire Yellow Mountain precinct would be moved to the Samuel Miller Magisterial District (see Attachment A3). 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 Plan 1A and has concluded that the plan complies with the Guidelines (see Attachment B).

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 also considered in developing Plan 1A. The classes protected under the Voting Rights Act continue to be fairly evenly distributed throughout the County's six magisterial districts. The changes to the populations of the protected classes within the current magisterial districts under Plan 1A 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 or color (Magisterial District Guideline 2). Likewise, it is staff's opinion that neither of the foregoing protected classes would lose voting strength under Plan 1A (Magisterial District Guideline 3) (see Attachment C).

### **Remaining Schedule**

As soon as possible after the Board has adopted the redistricting ordinance (Attachment D), staff will submit the ordinance and other information required by 28 CFR §§ 51.27 and 51.28 to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.

The submittal to the Department of Justice must be made in time to allow sufficient time for 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 8, 2011 general election. The General Registrar also must meet other election-related deadlines such as mailing out absentee ballots. It is possible that primary elections could be held in August. If so, all of the notice requirements could be advanced to early July to meet applicable requirements.

The cost of the redistricting is already incorporated into various offices' and departments' workplans. When redistricting 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.

As noted in the Background, the latest House and Senate redistricting plans would split four precincts, three under the Senate plan (Woodbrook precinct in the Rio Magisterial District; Jack Jouett precinct in the Jack Jouett Magisterial District, all between the 17<sup>th</sup> and 25<sup>th</sup> Senate districts; and Stony Point precinct in the Rivanna Magisterial District) and one under the House plan (Free Bridge precinct in the Rivanna Magisterial District, between the 57<sup>th</sup> and 58<sup>th</sup> House districts). Staff estimates additional

costs of \$4,400 (approximately \$1,000 to \$1,200 per split precinct) per election from adding one or two elections officers and one or two additional voting machines.

After conducting the public hearing, Staff recommends that the Board adopt the proposed ordinance attached hereto as Attachment D, which includes the map entitled "Albemarle County, Virginia 2011 Redistricting Plan # 1A, dated May 4, 2011," which is Attachment A.

Mr. Davis reported that this is an ordinance to establish the magisterial districts, election districts, precincts and polling places for the County – a process required every ten years upon completion of the Federal Census. He explained that it involves meeting federal, state and local criteria, with the primary constitutional requirement being that the election districts be equalized in population. Mr. Davis said that the standard that has been adopted from a legal basis is that it should be within +/- 5%, and the County has initiated a process to complete this task.

At the direction of the Board, he said, a staff committee conducted a public meeting on January 20 to receive input on the process and hear any issues and concerns. On March 2, Mr. Davis said, the Board adopted guidelines that incorporated the federal and state requirements and some local policy concerns that the Board had in establishing guidelines all within the legal framework. He reported that on April 6, the Board held a work session where they reviewed two plans, received comment and provided feedback to staff – and based on that staff has put forth a plan entitled "Plan 1-A," which is similar to the "Plan 1" the Board reviewed at their April 6 work session. Mr. Davis pointed out that the only difference is a change to the proposed Cale precinct boundaries, as staff had originally proposed splitting the precinct in order to better meet population goals based on the State redistricting plan for the House of Delegates but now addresses the numbers through other means.

Mr. Davis said that the target population, based upon equalizing population for the ideal population is 16,495 persons in each district. He stated that growth in the County over the last ten years was generally pretty evenly spread amongst five districts, with the Jack Jouett District not growing significantly, Scottsville growing considerably, and other districts growing proportionately, but did go outside of the +/- 5% which required adjustments. Mr. Davis indicated that Scottsville would have the most significant adjustment, where it has 2,530 people in excess of the ideal population; the Jack Jouett District had 1,932 people less than the ideal population.

He presented a map showing the proposed changes, noting that the eastern most portion of the East Ivy Precinct that was previously in the Samuel Miller District would be moved to the Jack Jouett District. Mr. Davis stated that the border was going to be split by a proposed House of Delegates plan, but with the assistance of Delegates Bell, Toscano and Landes, the line was moved to be a geographically defined line that did not split the County's proposed plan – which follows the Route 29 and Route 250 boundary. Mr. Davis noted that with the addition of that area to the Jack Jouett District, it increased that district by 2,444 people – which balanced the population to within the +/- 5% of ideal.

In terms of the Rivanna and Rio Magisterial Districts, there were two neighborhoods that were on the other side of Route 29 from the rest of the Rivanna District, which was not a good boundary line under the criteria for magisterial districts. By moving those two neighborhoods in "Area 2," which involved 1,125 persons, that balanced the populations for the Rio District – which gained that population and brought it within 1.89% of the ideal population; with Rivanna losing that area, it was brought within 1.8% of the ideal population. No other changes were required in those districts in order to meet all the criteria.

The next areas were the Scottsville and Samuel Miller Districts. The population in the Scottsville District needed to be significantly reduced in order to meet the ideal population, and the best way to address that was to move the entire Porter's Precinct into the Samuel Miller District. He said that that precinct has 2,396 persons identified by the Census, and by moving it out of Scottsville to Samuel Miller it brought the Scottsville District within .77% of the ideal population and did not require any other adjustments or movements. It met all the other guidelines for State and Federal criteria.

The next areas were the White Hall and Samuel Miller Districts. There are three changes that occurred with the Samuel Miller District. Mr. Davis stated that the entire Yellow Mountain Precinct, which was previously in the White Hall District, has been shifted to the Samuel Miller District. Mr. Davis said that the shift involved 951 people and by moving them out, the White Hall District came within 1.82% of the ideal population and did not require any other changes. The additional population from the Porter's and Yellow Mountain precincts was offset by the shift in East Ivy as part of the Jack Jouett change, bringing the Samuel Miller District to within 2.76% of ideal population.

Mr. Davis noted that the other change necessary to meet precinct requirements in population and active voters was the shifting of the Camelot and Briarwood Subdivisions to the Rio District, also requiring a reduction in the Rivanna District. As a result, he said, the recommendation is to have a reconfigured precinct that will now be called the "Baker-Butler Precinct," with a polling place at that elementary school and a reduction in the size of the Hollymead Precinct and continuance of that elementary school as a polling place.

Mr. Davis reported that all guidelines are provided to the Board in Attachment B (copy on file). These guidelines assure that there is equality of the population within the districts, that the changes in the magisterial districts did not affect the voting rights of any minority status groups, that no protected classes have had their voting rights minimized or diluted, that the districts now have and maintain geographical compactness, that the districts have observable boundaries, that communities of interest have not been split, that six magisterial districts have been maintained, that both urban and rural population have been

maintained within each district, that changes to magisterial districts have been minimized, that pairing incumbents from the School Board and Board of Supervisors has been avoided within any magisterial district, that Census blocks have not been split, and that the historic core of all magisterial districts has been preserved.

Mr. Davis stated that the working group who worked on this is present today. They have done excellent work: Jake Washburne and Clarice Schemerhorn from Voter Registration; Tex Weaver, Rod Burton and Damon Pettitt from Community Development and Greg Kamptner from the County Attorney's office; and they can respond to questions from Board members.

Mr. Dorrier asked about the community of interest in Porter's Precinct – which has traditionally been the Esmont and Scottsville areas and is now being moved into the Samuel Miller District – and asked if Cale was considered to balance the Scottsville District.

Mr. Davis responded that Scottsville was a challenge because of the need to move 2,500 people. In considering the best way to address it, the only options were Cale or Porter's, and the difficulty with Cale is that it already had 5,000 people in it – thus requiring that community to be split to accommodate additional population. There were also not good identifiable boundary lines that had been recognized. He also said that there is an incumbent School Board member there and it would have been challenging to avoid pairing him with the incumbent in the Samuel Miller District – which is a common legal criteria that staff tried to honor in making a recommendation. Mr. Davis emphasized that the community of interest in Porter's is being moved in toto to the Samuel Miller District and staff did not find that it had any substantial impact on voting population or community interest that wasn't necessary in order to meet the voting requirements under the constitution and guidelines.

Ms. Mallek noted that the Porter's Precinct people feel a great loyalty to Mr. Dorrier and their district, but also have a great similarity in density and rural nature to southern part of the Samuel Miller District. She added that the people in Batesville have gone back and forth with the Samuel Miller District when the Mechums line has moved.

Mr. Boyd said that it is a little disingenuous to say that communities of interest will not be divided, as that always happens when lines change. He understands what Mr. Dorrier is saying but the County has to do this and there is no way around it. He added that staff did a good job.

Mr. Davis concluded by stating that today's public hearing would allow for public comment and hopefully the Board will find it meets all suggested criteria. If the Board adopts the ordinance today, staff is prepared to submit to the Justice Department a submittal within the next day or two in order to meet to a deadline as early as July – when there must be an approved plan. If there is an August primary, he said, the Registrar's office is required to send absentee ballots 45 days in advance to overseas voters. Mr. Davis said that the Justice Department can take 60 to 90 days to approve a submittal and until they do so, the local plan cannot be effected.

The Chair opened the public hearing.

Ms. Cauline Yates said that she is the Chairwoman of the Samuel Miller District. She asked if there will be another public meeting because the Porter's constituents have expressed dismay that this meeting was held during work hours when a lot of them could not attend.

Ms. Mallek and Mr. Davis indicated that there would not be an additional meeting, given the timetable.

Ms. Valerie L'Herrou, a resident of the Samuel Miller District, asked if East Ivy would no longer be a split precinct.

Mr. Davis confirmed that this is correct, adding that there would be three split precincts caused by the Senate plan – which was adopted late last week; the Woodbrook Precinct in the Rio Magisterial District, the Jack Jouett Precinct in the Jack Jouett District, and the Stony Pont Precinct in the Rivanna District. He added that there is also an additional split precinct caused by the House plan that is a small portion of the Free Bridge Precinct in the Rivanna Magisterial District – which will be split between the 57<sup>th</sup> and 58<sup>th</sup> – as when they shifted the East Ivy population, the 57<sup>th</sup> District had to add population so they took 4,095 people from Free Bridge but left 460 people in the 58<sup>th</sup> District. They had very strict population criteria where they did not want to exceed 1% population deviations in the House Districts, and in order for them to stay within that 1% they found a line that split the Free Bridge precinct. As a result of that, under this plan, the County has four split precincts. Mr. Davis said that staff feels there will be opportunities over the next year to perhaps resolve some of those changes after the General Assembly has a chance to look at them again.

Ms. L'Herrou commented that it can be confusing for voters when they walk into their polling place and election staff has to look up not only their address but what side of the road they live on. She added that last week she met with Mr. Dorrier and some people in the Porter's Precinct and there was a lot of discussion about the change. People in Porter's felt some dismay and frustration at the change, but also saw some opportunity in it. She added that both the work session and public hearing on this issue was held during the day, and it would be helpful to have evening meetings in the future so that working people can attend these meetings. She also thanked the Board for their efforts to keep communities of interest together and make sensible boundary lines.

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

Mr. Boyd asked how the cost for split precincts is only \$4,400 as it seems that more machines would need to be purchased.

Mr. Washburn explained that one option is to program their current machines to present two different ballots. The second option is if the Electoral Boards feels they need additional handicapped-accessible machines for some of the larger precincts, that would be an acceptable exception to the general moratorium against purchasing additional DRE machines. He said that this would be brought up for discussion at the next Electoral Board meeting. The State Board guidelines for running split precincts recommend using only one ballot per machine. Mr. Washburn stated that at the time he put the estimate together he did not know that the State had lifted the moratorium on purchasing new DRE machines – which could come from the \$91,000 in the CIP set aside for additional voting machines. He also said that there may be funds that he had not anticipated because he assumed his office would have to mail out all new voter cards – at a cost of \$38,000 in postage – but two weeks ago the State Board indicated they would take care of the entire mailing out of their funds. The \$38,000 could also possibly be used towards purchasing new machines.

Ms. Mallek noted that the skill of the committee has cut down on the number of new precincts.

Mr. Davis also indicated that a reduction in the size of the Hollymead Precinct may reduce their need by one voting machine. Mr. Washburn said that was correct and it also applies to the size of a couple other precincts.

Mr. Dorrier asked if splitting the Cale Precinct would cause major problems.

Mr. Washburn explained that one issue was the location of Mr. Koleszar's home and the guidelines cautioned against redistricting him out of his own district – and there were too many people to take all of Cale as it would tip the balance too far in one direction. If they took it and kept Mr. Koleszar in his precinct, they would have to find some peculiar boundary lines. He also said that there was a concern in splitting residents of Southwood and generally causing confusion in the precinct as to where their voting location was. It would also confusion a lot of voters in Cale as to where their voting location was. They knew there were things that would not make everybody happy. Mr. Washburn added that the voting places actually stay the same for everyone, except for the use of Baker-Butler for that new precinct.

Mr. Boyd commented that Hollymead residents ended up having to go to different voting places.

Mr. Davis responded that Hollymead was approaching the 5,000 voter legal limit and the County anticipated it being surpassed within the ten-year time frame – and that large number of voters requires additional voting machines, poll workers, etc.

Mr. Rooker then **moved** to adopt the proposed ordinance to establish magisterial districts, election districts, precincts and polling places as presented. 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.

#### **ORDINANCE NO. 11-2(2)**

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE I, ELECTIONS, 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 2, Administration, Article I, Elections, is hereby amended and reordained as follows:

#### **By Amending:**

- 2-100 Establishment and boundaries of magisterial districts, election districts, precincts and polling places
- 2-101 Jack Jouett Magisterial District
- 2-102 Rio Magisterial District
- 2-103 Rivanna Magisterial District
- 2-104 Samuel Miller Magisterial District
- 2-105 Scottsville Magisterial District
- 2-106 White Hall Magisterial District

#### **Article I. Elections**

Sec. 2-100 Establishment and boundaries of magisterial districts, election districts, precincts and polling places; map.

The county shall be divided into six (6) magisterial districts, which shall be named and bounded as described in this article, and which shall be the election districts for the county within the meaning of Virginia Code § 15.2-1211. Each election district shall contain precincts and polling places as described in this article.

The map identified as "Albemarle County, Virginia 2011 Redistricting Plan # 1A, dated May 4, 2011" is hereby designated as the official map depicting the magisterial district and precinct boundaries and polling place locations within the county. If there is a conflict between the map and the descriptions of the magisterial district and precinct boundaries or the polling place locations in sections 2-101 through 2-106, the descriptions in sections 2-101 through 2-106 shall control.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

**Sec. 2-101 Jack Jouett Magisterial District.**

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.

B. *Precincts:* The district shall be divided into four (4) precincts, as described herein:

1. *Belfield Precinct.* Beginning at the intersection of Garth Road (State Route 601) and Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U. S. Route 29/250 Bypass; then northeast along the U. S. Route 29/250 Bypass to its intersection with Charlottesville's western city limits and Barracks Road (State Route 654), then northwest along Barracks Road to its intersection with Garth Road; then northwest along Garth Road to its intersection with Ivy Creek, the point of origin.

2. *Georgetown Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville's western city limits; then along Charlottesville's western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.

3. *Jack Jouett Precinct.* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Barracks Road; then east and south along Barracks Road to its intersection with Georgetown Road, the point of origin.

4. *University Hall Precinct.* Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville's northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places:* Each precinct shall have a polling place at the location identified below:

1. *Belfield Precinct:* St. Anne's Belfield Lower School, Falconer Drive, Convocation Center.
2. *Georgetown Precinct:* Albemarle High School, 2775 Hydraulic Road.
3. *Jack Jouett Precinct:* Jack Jouett Middle School, 210 Lambs Lane.
4. *University Hall Precinct:* University Hall, 300 Massie Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

### **Sec. 2-102 Rio Magisterial District.**

The Rio Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district:* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.

B. *Precincts:* The district shall be divided into five (5) precincts, as described herein:

1. *Agnor-Hurt Precinct:* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.
2. *Branchlands Precinct:* Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.
3. *Dunlora Precinct:* Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of-way and the Charlottesville city limits; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.
4. *Northside Precinct:* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29), the point of origin.

5. *Woodbrook Precinct*: Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct*: Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct*: Senior Center, 674 Hillsdale Drive.
3. *Dunlora Precinct*: Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct*: Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct*: Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 02-2(3), 5-1-02; Ord. 06-2(2), 7-12-06; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

### **Sec. 2-103 Rivanna Magisterial District.**

The Rivanna Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district*: Beginning at the intersection of Interstate 64 and the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with the Albemarle/Louisa county line; then northeast along the Albemarle/Louisa county line to its intersection with the Albemarle/Orange county line; then west along the Albemarle/Orange county line to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Seminole Trail (U.S. Route 29); then southwest along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then meandering south along the Rivanna River to its intersection with Interstate 64; then along Interstate 64 east to its intersection with the Albemarle/Fluvanna county line, the point of origin.

B. *Precincts*: The district shall be divided into five (5) precincts, as described herein:

1. *Baker-Butler Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then southeast along the Albemarle/Greene county line to its intersection with the Albemarle/Orange county line; then southeast along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29), immediately south of 3129 Seminole Trail; then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.

2. *Free Bridge Precinct*: Beginning at the confluence of the Rivanna River and Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then meandering southeast along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then southwest along the ridge line of the Southwest Mountains (encountering Hammocks Gap, followed by Wolfpit Mountain, followed by Trevillian Mountain) to its intersection with the origin of a western branch of Barn Branch; then meandering south along this western branch of Barn Branch to its confluence with Barn Branch; then southeast along Barn Branch to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its confluence with Redbud Creek, the point of origin.

3. *Hollymead Precinct*: Beginning at the intersection of the Norfolk Southern Railway right-of-way and the South Fork Rivanna River; then running northeast along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along

the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29) immediately south of 3129 Seminole Trail; then south along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with the Norfolk Southern Railway right-of-way, the point of origin.

4. *Keswick Precinct*: Beginning at the intersection of the Albemarle/Orange/Louisa county line; then southwest along the Albemarle/Louisa county line to its intersection with the Albemarle/ Fluvanna county line; then southwest along the Albemarle/ Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Barn Branch; then northwest along Barn Branch to its confluence with a western branch of Barn Branch whose origin lies near the ridge of Trevillian Mountain of the Southwest Mountains; then meandering north along this western branch of Barn Branch to its origin near the ridge of Trevillian Mountain of the Southwest Mountains; then northeast along the ridge line of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then east along the Albemarle/Orange county line to its intersection with the Albemarle/Orange/ Louisa county line, the point of origin.

5. *Stony Point Precinct*: Beginning at the intersection of the South Fork Rivanna River and the Norfolk Southern Railway right-of-way; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and Rivanna River; then meandering south along the Rivanna River to its confluence with Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then east along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then northeast along the ridgeline of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then west along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Baker-Butler Precinct*: Baker-Butler Elementary School, 2740 Proffit Road.
2. *Free Bridge Precinct*: Elk's Lodge Hall, 389 Elk Drive.
3. *Hollymead Precinct*: Hollymead Elementary School, 2775 Powell Creek Drive.
4. *Keswick Precinct*: Zion Hill Baptist Church, 802 Zion Hill Road.
5. *Stony Point Precinct*: Stony Point Elementary School, 3893 Stony Point Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(3), § 2-103; Ord. 01-2(1), 5-9-01; Ord. 02-2(4), 7-3-02; Ord. 08-2(1), 2-6-08; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-104 Samuel Miller Magisterial District.**

The Samuel Miller Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district*: Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended /U.S. Route 29 Business to its intersection with the Charlottesville city limits; then south along the Charlottesville city limits to its intersection with Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red

Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/ Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.

B. *Precincts*: The district shall be divided into six (6) precincts, as described herein:

1. *Country Green Precinct*. Beginning at Sunset Avenue Extended (State Route 781) and the overpass of Interstate 64; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then southeast along Interstate 64 to its overpass at Sunset Avenue Extended, the point of origin.

2. *East Ivy Precinct*. Beginning at the intersection of Charlottesville's western city limits and Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Dick Woods Road (State Route 637); then north along Dick Woods Road to its intersection with Bloomfield Road (State Route 677); then northeast along Bloomfield Road to its intersection with Ivy Road (U.S. Route 250); then east along Ivy Road to its intersection with Broomley Road (State Route 677); then north along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended (U.S. Route 29 Business); then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then along the Charlottesville city limits south to the intersection with Sunset Avenue Extended, the point of origin.

3. *Ivy Precinct*. Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with Ivy Road (U.S. Route 250); then west along Ivy Road to its intersection with Bloomfield Road (State Route 677); then southwest along Bloomfield Road to its intersection with Dick Woods Road (State Route 637); then southwest along Dick Woods Road to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.

4. *Porter's Precinct*. Beginning at the intersection of Warren Ferry Road (State Route 627), the James River, and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road

(State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line, the point of origin.

5. *Red Hill Precinct.* Beginning at the intersection of Interstate 64 and the Mechums River; then meandering southwest along the Mechums River to its confluence with the unnamed northern branch of the Mechums River; then continuing west along the unnamed northern branch of the Mechums River to the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then east along Plank Road to its intersection with Beaver Branch; then meandering northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then west on Interstate 64 to its intersection with the Mechums River, the point of origin.

6. *Yellow Mountain Precinct.* Beginning at the intersection of the Albemarle/Nelson county line and Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering southwest along the Mechums River to its confluence with an unnamed northern branch of the Mechums River; then meandering west along the unnamed northern branch of the Mechums River to its intersection with the Albemarle/Nelson county line; then northwest on the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.

C. *Polling places:* Each precinct shall have a polling place at the location identified below:

1. *Country Green Precinct:* Berean Baptist Church, 1284 Sunset Avenue Extended.
2. *East Ivy Precinct:* The Miller Center of Public Affairs, 2201 Old Ivy Road.
3. *Ivy Precinct:* Meriwether Lewis Elementary School, 1610 Owensville Road.
4. *Porter's Precinct:* Yancey Elementary School, 7625 Porters Road.
5. *Red Hill Precinct:* Red Hill Elementary School, 3901 Red Hill School Road.
6. *Yellow Mountain Precinct:* Mount Ed Baptist Church, 1606 Craigs Store Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(4), § 2-104; Ord. 01-2(1), 5-9-01; Ord. 04-2(2), 8-4-04; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-105 Scottsville Magisterial District.**

The Scottsville Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district.* Beginning at Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then

southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then east along the Albemarle/Buckingham county line to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits west to its intersection with Sunset Avenue Extended, the point of origin.

B. *Precincts*: The district shall be divided into four (4) precincts, as described herein:

1. *Cale Precinct*: Beginning at the intersection of Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with an eastern branch of Biscuit Run (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then west along this eastern branch to its confluence with Biscuit Run; then north along Biscuit Run for approximately 375 feet to its confluence with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then west along this western branch to its intersection with Old Lynchburg Road (State Route 631); then north along Old Lynchburg Road (State Route 631) to its intersection with Old Lynchburg Road (State Route 780); then northwest along Old Lynchburg Road (State Route 780) to its intersection with Mountainwood Road; then west along Mountainwood Road to its intersection with Sunset Avenue Extended (State Route 781); then north along Sunset Avenue Extended to its intersection with Charlottesville's southern city limits, the point of origin.

2. *Monticello Precinct*: Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then east along Thomas Jefferson Parkway to the Albemarle/ Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with Rolling Road South (State Route 620); then north along Rolling Road South to its intersection with Rolling Road (State Route 620); then northwest along Rolling Road to its intersection with Secretarys Road (State Route 708); then west along Secretarys Road to its intersection with Carters Mountain Road (State Route 627); then south along Carters Mountain Road to its intersection with Scottsville Road (State Route 20); then north along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.

3. *Scottsville Precinct*: Beginning at the intersection of Rolling Road South (State Route 620) and the Albemarle/Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with Warren Ferry Road (State Route 627); then north along Warren Ferry Road to its intersection with James River Road (State Route 627); then northwest along James River Road to its intersection with Langhorne Road (State Route 626); then northeast along Langhorne Road to its intersection with Scottsville Road (State Route 20); then northwest along Scottsville Road to its intersection with Plank Road (State Route 712); then southwest along Plank Road to its intersection with Esmont Road (State Route 715); then northwest along Plank Road to its intersection with Beaver Branch; then northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then east along Red Hill Road to its intersection with Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Carters Mountain Road (State Route 627); then north along Carters Mountain Road to its intersection with Secretarys Road (State Route 708); then east along Secretarys Road to its intersection with Rolling Road (State Route 620); then southeast along Rolling Road to its intersection with Rolling Road South (State Route 620); then south along Rolling Road South to its intersection with the Albemarle/Fluvanna county line, the point of origin.

4. *Stone-Robinson Precinct*: Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then southeast along Thomas Jefferson Parkway to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits southwest to its intersection with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Cale Precinct*: Cale Elementary School, 1757 Avon Street Extended.
2. *Monticello Precinct*: Monticello High School, 1400 Independence Way.
3. *Scottsville Precinct*: Scottsville Elementary School, 7868 Scottsville Road.
4. *Stone-Robinson Precinct*: Stone-Robinson Elementary School, 958 North Milton Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(5), § 2-105; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

**Sec. 2-106 White Hall Magisterial District.**

The White Hall Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district.* Beginning at the intersection of Batesville Road (State Route 636) and the Albemarle/Nelson county line; then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then continuing northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to the Albemarle/Rockingham county line; then southwest along the Albemarle/Rockingham county line to its intersection with the Albemarle/Augusta county line; then south along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.

B. *Precincts:* The district shall be divided into four (4) precincts, as described herein:

1. *Brownsville Precinct.* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then southwest along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then northeast along the Mechums River to its intersection with the CSX Railway right-of-way; then west along the CSX Railway right-of-way to its intersection with Crozet Avenue (State Route 240); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road to its intersection with the Albemarle/Augusta county line, the point of origin.

2. *Crozet Precinct.* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then northeast along the Albemarle/Augusta county line to its intersection with the Albemarle/Rockingham county line; then northeast along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering southwest along the Mechums River to its intersection with the CSX Railway right-of-way; then west along the CSX Railway right-of-way to its intersection with Crozet Avenue (State Route 240); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road (State Route 611) to its intersection with the Albemarle/Augusta county line, the point of origin.

3. *Earlysville Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Dyke Road (State Route 810); then south along Dyke Road to its intersection with Markwood Road (State Route 664); then south along Markwood Road to its intersection with Davis Shop Road (State Route 671); then southwest along Davis Shop Road to its intersection with Buck Mountain Creek; then meandering southeast along Buck Mountain Creek to its confluence with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road

(State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.

4. *Free Union Precinct*: Beginning at the Albemarle/Rockingham/Greene county line; then southwest along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its confluence with Buck Mountain Creek; then meandering northwest along Buck Mountain Creek to its intersection with Davis Shop Road (State Route 671); then northeast along Davis Shop Road to its intersection with Markwood Road (State Route 664); then north along Markwood Road to its intersection with Dyke Road (State Route 810); then north along Dyke Road to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with the Albemarle/Rockingham/Greene county line, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Brownsville Precinct*: Brownsville Elementary School, 5870 Rockfish Gap Turnpike.
2. *Crozet Precinct*: Crozet Elementary School, 1407 Crozet Avenue.
3. *Earlysville Precinct*: Broadus Wood Elementary School, 185 Buck Mountain Road.
4. *Free Union Precinct*: Free Union Baptist Church, Millington Road, Free Union.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(6), § 2-106; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-107 Central absentee voter precinct.**

There is hereby established a central absentee voter precinct on the first floor of the Albemarle County Office Building, 1600 5<sup>th</sup> Street, Charlottesville, for the purpose of receiving, counting and recording absentee ballots in all elections.

(11-14-84; Code 1988, § 6-9; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 08-2(4), 7-2-08)

**State law reference** – Va. Code § 24.2-712.

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Agenda Item No. 11. "Dooms - Bremo Transmission Line Rebuild," F. Scott Reed, Dominion Power.

Mr. F. Scott Reed, State and Local Affairs, Dominion Virginia Power, stated that he is here to brief the Board on the Dooms - Bremo transmission line project, adding that there are a lot of similarities between this project and the Hollymead project he briefed them on several months ago. He explained that they both are on the same schedule, both involve the rebuild of an existing transmission line, both require no new additional right of way and both are driven by demand, growth and national reliability standards.

Mr. Reed reported that while the Hollymead project was only eight miles long, the Dooms-Bremo project extends from eastern Augusta County across Albemarle into Fluvanna, for a total of 45 miles, involving three counties. He stated that there are some complexities with the FCC application for this project and much of the existing right of way parallels an existing 500 KV line. Mr. Reed then introduced Carla Piccard, who works with Dominion in electric transmission communications, to explain in more detail.

Ms. Piccard addressed the Board, presenting a map and noting the location of Dominion's Dooms Substation north of Waynesboro. She stated that the line to be rebuilt would begin there and end at the Bremo Substation for a total length of about 45 miles, with no new right of way required due to use of existing right of way and rebuilding of aging infrastructure. Ms. Piccard said that the customers being served by this line are using twice as much electricity as just a decade ago, with the line in the right of way built in the 1950s – when demand was much less. She noted that the world has changed quite a bit since the 1950s. She added that demand is expected to continue to grow. She noted the conditions that would

result if Dominion did not upgrade the line on the schedule they have planned – which would violate federal liability criteria.

Ms. Piccard explained that Dominion is proposing to rebuild the existing structures that would support increased capacity and would allow for future conversion from a 115 KV line to accommodate 230 KV – further strengthening the grid and allowing them to meet future demand. She stated that this would require a second separate project but would not require additional construction on the right of way, adding that the conversion would have to be approved by the State Corporation Commission and would require Dominion to replace existing wires on the structures already in place leading up to the Sherwood Substation near U.Va. off of Route 29. Ms. Piccard noted that the project is expected to take place in 2017.

Ms. Piccard stated that this project will upgrade aging infrastructure in the existing right of way and will dramatically improve Dominion's ability to reliably serve these areas and meet federally mandated criteria.

Mr. Rooker asked if these facilities provide electricity throughout the counties this runs through, or only parts of those counties. Ms. Piccard responded that it is difficult to provide an exact customer count from this one line. She then noted "delivery points" on a map whereby voltage is stepped down and delivered to local communities – including some that are co-ops, with over one-half of customers on this line served as co-op customers.

Ms. Piccard then presented slides depicting the existing structures and right of way, with smaller wooden posts that would be dismantled and rebuilt as a taller steel structure. Ms. Piccard stated that the new structures would move further into the right of way and would be spread further apart – spaced at almost 1,000 feet instead of the current 600 feet allowing for a fewer number of structures. She said that the new structures would be centered and would require clearing on existing right of way, allowing for a safe clearance on either side.

Ms. Piccard stated that several Board members attended an open house in Crozet at the end of March; Dominion sent out letters to property owners 200 feet on either side of the center line. She said that they also placed ads in three local papers for two weeks concurrently. Ms. Piccard reported that Dominion submitted their application to the SCC last week, and they will set a procedural order that typically includes multiple opportunities for public comment – including a public hearing – a process that would take approximately one year. She stated that Dominion plans to begin the project in summer of 2012 with completion expected in 2014.

Ms. Mallek asked about the right of way clearing and a different plan for undergrowth management revealed at one of the Hollymead meetings.

Ms. Piccard responded that there is initial clearing to remove a larger volume of material and maintenance practices that encourage native grasses and low-growing shrubs – and discourage tall trees that might ultimately pose a threat to power lines. She added that Dominion would be working with landowners on timbering for their property to make sure that their needs are met as well.

Ms. Mallek thanked Ms. Piccard and Mr. Reed for their presentation.

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Agenda Item No. 12. Wind Power Energy, Jonathan J. Miles, James Madison University.

Mr. Jonathan Miles said that he is a resident of Albemarle County, Professor of Integrated Science and Technology at James Madison University and Director of the Virginia Center for Wind Energy at JMU. Mr. Miles stated the Center at JMU has been involved for about 10 years in a range of projects that are mostly community-oriented, funded by the Department of Energy and by the State Department of Mines, Minerals and Energy. He said that the Center serves as an extension type of agency with an emphasis on wind energy, so when the State Energy Office needs work done or programs they will come to the Center or send residents and commercial operators there for guidance and support.

Mr. Miles explained that Wind for Schools is one of their programs, which was initiated several years ago by the U.S. Department of Energy with six universities in the western states – a program that grew out of the National Renewable Energy Laboratory in Boulder, Colorado. He said that the idea was that small wind power had the opportunity to provide stimulus in the schools, particularly in rural areas. Mr. Miles stated that Virginia's wind resources tend to coincide with the more rural areas, as is typical in the West, and what has become apparent is that the State administration recognizes the opportunities it provides in terms of jobs, economic development, etc. He said that the thought is that it might provide stimulus for students who might be inclined toward science and technology and give them an opportunity to get hands-on experience in a learning laboratory on school campuses for enhanced science curriculum. Mr. Miles stated that the project approach is one where universities, such as JMU and 10 others in the country, are recognized as wind application centers and have a champion such as himself – working with the local communities to help them develop a project. He said that the projects consist of installing a relatively small wind turbine on a school site and also setting that up to support curriculum and classroom activities.

Mr. Miles reported that the Center also interacts with energy organizations around the country such as the National Energy Education Development Project, based in Northern Virginia, but serving the entire country, and Kid Wind and Wind Wise to develop and upgrade curriculum that focuses on wind and other renewable energies. He said that they are also working with local contractors and installers who can

contribute to projects in a variety of ways. He then presented slides showing the first project in Virginia. Mr. Miles stated that this school conducted numerous activities around the ribbon-cutting event that opened the project.

Mr. Rooker mentioned a similar facility near Dublin, Virginia.

Mr. Miles responded that that is a southwest wind-power sky stream, which is the preferred technology and is a small turbine generating about 3,000 watts. He said that there is a wind turbine on the grounds of Devil's Backbone Brewery near Wintergreen, and that business owner is a certified installer of facilities up to 50 kilowatts.

Mr. Miles stated that the initiative started with six western states and last year the Department of Energy issued an RFP – with JMU being one of five of 25 applicants invited to join the team. He noted that they are working closely with Penn State and Appalachian State as there are regions that have some similarities – such as ARC territory and wind resources.

Mr. Miles reported that there were 43 schools in progress about a year and a half ago and that total is about 50% higher now. He then presented a list of agencies that support the program – Wind Power in America, out of the Department of Energy – as well as the National Renewable Energy Laboratory in Colorado and the Idaho National Laboratory in Idaho. He said that Idaho's responsibility is to collect in real time all the data from all the turbines installed in all the schools around the country and provide a database for any school to access wind data. Mr. Miles stated that the Center is now working with two-year institutions in Virginia that are running or developing wind technology programs, as well as interacting with all major museums in the state as well.

He then presented information on the Distributed Wind Energy Association, which states that one of the greatest challenges the industry faces is height restrictions – as tall structures are limited to 35 feet. Mr. Miles said that installing a turbine at that height is tantamount to installing a solar collector in a shaded area. The fuel is not available. The winds are much slower, much more turbulent and it is not good for the turbine; it significantly impacts in a negative way its performance. He stated that at Henley and other locations, they are trying to place the turbines where they will receive the wind resources that will allow it to operate the most frequently and produce the greatest amount of power. Mr. Miles indicated that the minimum height in an open, flat area, would be 65 feet – but in an area with trees and buildings the benchmark would be to raise it 30 feet plus one-half the width of the diameter of the rotor above the nearest obstructions.

Mr. Miles said that the most important point is that although proper siting does allow for the remote possibility of a tower falling, there is no history of a tower or turbine causing injury or death. He added that they are no less unstable than telephone and power poles. Albemarle County passed a wind ordinance last year. Mr. Miles said that he has worked with counties for the 10 years they have been involved with wind power. In fact, they wrote the first ordinance that was passed in Rockingham County in 2004. The ordinance in Albemarle is the most restrictive he's seen in Virginia – including the two dozen counties that are currently writing or have passed ordinances.

Mr. Rooker stated that the Board spent a huge amount of time and effort on a cell tower ordinance to limit their visibility and they heard from a lot of wind experts saying that the wind velocity in Albemarle is very low. He said that economically, the wind turbine idea does not seem to make a lot of sense in this County – but localities such as Highland County have a significant prevailing wind. Mr. Rooker emphasized that the Governor has supported locating wind turbines in the ocean, as there is wind power to be gathered from the offshore winds. He added that locally it seems to be more of a novelty to have wind power. He thinks that the education component of wind turbine is a good thing.

Ms. Mallek mentioned that she has a PV array in her backyard and it provides energy for her home, so if someone wants to make that investment a small impact could be made.

Mr. Miles said that the best resources for wind energy in Virginia are along the Western Highlands and the Southwest, and offshore, but the misconception is that large wind power should be considered in the same way as small wind power. The economics that apply to them are very different. The wind maps that the Board saw last year are a reasonable approximation but are by no means gospel in terms of predicting wind resources. He stated that the economics do work out if the turbines are properly sited, and there are people he encounters that really don't care even if it takes 20 years to recoup their investment.

Mr. Rooker said there are all kinds of technology coming along in this area including different designs that can operate low at the ground, and then there are rooftop designs that can be installed on people's houses. He asked if there are alternatives that might be more efficient. Mr. Miles responded, "no". The vertical access machines described by Mr. Rooker are not a proven technology although there are a few that are in development that show promise. Mr. Miles stated that in the 1970s the Department of Energy went with horizontal access wind turbines and the other machines kind of got left in the dust and they are not even close to prime time compared to the more traditional technology today.

Mr. Miles said that he strongly recommends against rooftop installation, as those locations are very turbulent with low-energy air that does not perform well at all. In order for a wind turbine to perform optimally it needs to be exposed and most often needs to be visible in some fashion.

Mr. Miles said that the General Assembly passed a law in their last session that requires local ordinances to be vetted with the state to ensure they are compliant with energy policy. Regarding the

Henley project, Mr. Miles said that the 35-foot limitation in the County would prohibit a turbine's installation. The towers come in four heights – 33 feet; 55 feet; 65 feet and 70 feet. He stated that the smallest tower at 33 feet would exceed the 35-foot limit when taking blades into account, and Southwest Windpower has already discontinued that height as they don't feel their technology performs well at that height. Mr. Miles referred to the 55 foot tower in Northumberland County is 55 feet and said that because the power generated is so closely tied to wind speed, a small increase in wind speed dramatically increases the power generated.

Mr. Miles acknowledged that Henley would not save money but would have a learning opportunity and would offset some of the energy the school is consuming. He said that students could engage in how much energy is produced, what the cost savings is, and many other lessons that can be learned from that process.

Mr. Thomas asked Mr. Miles what justifies Dominion Power having a 100-foot tower when wind can only have 35 feet.

Mr. Rooker responded that that is the state.

Mr. Miles indicated that he has been dealing with this discrepancy for years as wind power gets a lot of more scrutiny, and local governments – as well as citizens – are not familiar with the technology and often buy into the myths surrounding wind energy. All the turbines emit is a little bit of sound, and they hope a lot of electricity. The better they can site it the more electricity it produces.

Mr. Snow said that there is additional danger to migratory birds. Mr. Miles replied that these units do not have that impact, with this size and height.

Mr. Snow said he read something recently that some of the technology for wind turbines have not measured how up to what they thought it would be and some of these large farms have shut down. Mr. Miles said predicting winds and assessing wind resource is not an exact science. There are cases where wind farms over-produce compared to the estimations in cases where they under-produce. Another issue is that the wind tends to cycle over five years or more. That is one of the challenges with wind and solar in that it is not an exact science.

Ms. Mallek asked how tall the turbine is at Devil's Backbone, noting that she has been out there many times and has never noticed it.

Mr. Miles responded that he does not know but guessed it to be 55 feet or so. He said that the Rockingham County ordinance had an 85-foot height limit, originally passed as a special use permit. Mr. Miles noted that several energy companies have been looking at large-scale wind energy development in the western part of that county where it borders West Virginia – including Dominion, BP and others – and when they passed the ordinance they converted the small wind turbines to a by-right process. Mr. Miles said that these are expensive machines and people will not invest in them lightly, so given the capital costs and lack of incentives there is not a whole lot of traffic in this area. He added that it can be difficult to differentiate between large and small operations if one is not familiar with the technology.

Ms. Mallek asked if any communities have tried a test tower.

Mr. Miles said that the Center has an inventory of meteorological towers and has run a program whereby they have measured about 30 sites around the state. He stated that they are offering to include one of those just for measuring wind before they become a full-fledged part of the program, noting that the first school will be North Branch School – with a 65-foot tower to be installed on June 2 with sensors to measure the wind. Mr. Miles noted that the sky stream towers do not require wires, which makes them a lot more elegant and does not have as much of a footprint.

Mr. Tim Dodson, President of the Henley Middle School Student Council, addressed the Board and expressed interest in having an environmentally friendly school and to become an alternative energy resource center. He said that having a wind turbine is an integral part of this that would benefit students around the County and supports the request for a turbine height higher than 35 feet.

There was no further discussion.

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Agenda Item No. 13. Economic Vitality Action Plan Quarterly Update, Lee Catlin.

The following executive summary was forwarded to Board members:

“The Board of Supervisors adopted an Economic Vitality Action Plan (“Plan”) on August 4, 2010, following extensive public discussion and review. That plan established a schedule for staff to provide quarterly reports to the Board on staff's progress and activities related to the Action Plan. Staff will present a second quarterly report at this meeting. This item is related to one of Albemarle County's Strategic Action Plan Goals - FY 10/11- FY 11/12 –

*Goal 3: By June 30, 2012, the County and its partners will complete the first two year's activities identified in the County's Economic Vitality Action Plan.*

### Highlights of Progress on the Plan during the last quarter:

#### *Objective 1 - Improve Business Climate and Image*

- **Virginia Economic Development Partnership (VEDP)** – County staff hosted a familiarization tour for VEDP staff including available sites in Peter Jefferson Place and the Defense Intelligence Agency facility.
- **Virginia Economic Development Association (VEDA)** – County staff worked with City economic development staff to co-host the spring VEDA conference, including arranging a tour of the new Martha Jefferson Hospital at Peter Jefferson Place.
- **Virginia Department of Agriculture & Consumer Services (VDACS)** – County staff participated in a state-wide agri-business forum to showcase partnership in the Brew Ridge Trail and Monticello Artisan Trail.
- **Chamber of Commerce** – County staff, including County Executive Tom Foley, met with the Chamber of Commerce Board of Directors to discuss the County's action plan.

#### *Objective 2 - Simplify and Create Certainty - Continued regulatory reform*

- **Small Business Toolkit** – County staff is in the final stages of producing a toolkit (print and web versions) to assist small business owners who are interested in starting, relocating, or expanding their businesses in Albemarle County.
- **Farm Winery Zoning** - The Board of Supervisors approved an amendment to the farm winery zoning regulations to use a decibel noise standard; this allows vineyards to self-regulate event activity and reduces staff enforcement.

#### *Objective 3 - Support Quality Job Opportunities*

- **CustomInk** – This company expanded its operation into Albemarle County, utilizing an existing industrial building, with plans to create 110 local jobs in the next three years.
- **MicroAire** – MicroAire announced its purchase of the former USPS building and planned expansion of its operations to bring \$8 million to the local economy and create 51 new local jobs.
- **Target Industry Study** – The Board approved staff's recommended approach of a Target Industry Study to help the County identify, assess and leverage its unique assets to provide economic vitality that supports the County's long term quality of life. County staff is working with Thomas Jefferson Partnership for Economic Development (TJPED) to coordinate the regional portions of this study and to plan the initial steps in launching the study.
- **Board of Supervisors/School Board Business Leaders Roundtable** – County staff worked with School Division staff to conduct a joint meeting with community business leaders focusing on local workplaces and workforce issues and needs in the community and identifying opportunities to strengthen County/business partnerships that will support the County's overall economic vitality and the School Division's strategic goals.
- **Albemarle Business First** – This business retention program recognizes the value of existing businesses in the County and is designed to help the County identify issues, increase communication and improve its overall business climate. Department of Business Assistance project Manager David Fuller has joined the local Business First team, and members will begin making targeted calls in May, expanding the County's existing local business outreach.

#### *Objective 4 - Expand Industrial Land Options*

- **Industrial districts' uses and commercial and industrial setbacks and buffers** – The Planning Commission held a work session on January 11, 2011. Staff addressed questions and comments from the Planning Commission and are working on providing additional information for future Planning Commission consideration. To expand the research on industrial uses, staff met in April with John Loftus, state manager of VEDP's database of sites and buildings, to gain insights into existing industry trends and zoning trends statewide. Staff expects to hold a roundtable on setbacks and buffers in May or June, with a Planning Commission work session to follow.
- **Industrial districts' performance standards.** Other Industrial District regulations under consideration for amendment are the performance standards. Staff provided proposed revisions to the Planning Commission on April 19, 2011; however, the Planning Commission deferred this item until the end of May.

#### *Objective 5 - Promote Rural Economy/Tourism*

- **Monticello Artisans Trail** – Registrations from businesses to participate in the trail total 117 attractions in Nelson and Albemarle Counties. The website is now operational and the map is scheduled for publication in June.
- **Agricultural Economy Roundtable** - County staff held a roundtable to review agritourism activities and emerging trends in the state. Insights will be addressed as part of the Comprehensive Plan update.
- **Agritourism: It's More Than a Farm Tour**- The County, the Small Business Development Center, VA Tourism Corporation, and the Va Tech Agricultural Extension co-hosted an information and training session **for local residents who are interested in exploring the possibilities of developing a farming-tourism experience that was** attended by over 50 entrepreneurs. The program was also supported by the Charlottesville Albemarle Convention and Visitors Bureau.
- **Journey Through Hallowed Grounds** - Staff is participating in the development of a wayfinding and signage program to help the region develop a consistent identity for residents and visitors to explore the area's many offerings associated with this project. Through the implementation of this project, local businesses, historic sites, and recreational opportunities will be promoted on a regional scale.

*Data reporting*

As stated in the Plan, it is critical that the County regularly monitor and assess the economy and the local business climate in order to proactively and effectively promote economic vitality. The most recent quarterly indicators report is attached. Staff is working on developing a measure of farm winery activity that will be added to the indicators list.”

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Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, stated that it has been about nine months since the Plan was adopted. She said that new opportunities in the community include the growing jobs and tax base, noting the groundbreaking for the shops at Stonefield – with the first phase to include 270,000 square feet of retail, a 335-room hotel, and a mix of properties including a Trader Joe’s store. Ms. Catlin indicated that upon completion, the shops will cover about 1.2 million square feet of retail and mixed uses with approximately 722 new retail jobs created as well as 1,700 construction jobs over the life of the project. She said that the County has issued early grading permits and work is to begin soon, along with work to establish the new lane on Route 29.

Mr. Rooker asked about the status of the site plan. Mr. Mark Graham, Director of Community Development, responded that the revised preliminary site plan has been submitted and there should be an action on it in about two weeks. County staff has been working with the applicant on four final site plans that will be submitted and hopefully approved by September.

Ms. Mallek asked about the timing of proffer money being released for transportation improvements. Mr. Graham stated that once the first final site plan is approved, the money is released, and he anticipates that to happen in July or August. He said that they already have permits issued by the State for the road improvements, and the contractors are lined up and ready to go. They have a grading permit that will allow them to clear the site, grade, get pads ready and start installing some of the early utilities. He added that staff is meeting with them almost weekly.

Ms. Catlin reported that the DIA has estimated that about 45%-46% of the employees who have relocated live in Albemarle County, or 110 total residents, and making the assumption that 46% of future employees will also live here with .93 children for every student in the school system they are estimating about 293 new students in the County.

She also indicated that the Chamber of Commerce, the City, the County, and Dominion Virginia Power have announced a “Better Business Challenge” to encourage local businesses to improve profitability by cutting costs and making smart energy investments. Ms. Catlin said that this will also enhance the workplace environment for increased productivity and better customer experience.

Ms. Mallek mentioned that the program is a LEAP program.

Ms. Catlin reported that President of Indoor Biotechnologies, Martin Chapman, has announced plans to create a research center in the 38,000 square foot former Coca-Cola bottling plant on Preston Avenue, and although that is technically a City project it will have nice benefits for County business as well.

She also stated that the rural broadband initiative is scheduled to come before the Board at its June 8 meeting. This project will provide stronger broadband support for rural communities in Western Albemarle and other areas. Ms. Catlin mentioned that the 4<sup>th</sup> Annual North American Wine Bloggers Conference would be in the community from July 22-24, with approximately 325 bloggers and their families coming to the area. She also said that the “Stay Local/Play Local” backyard vacation promotion will continue again this summer as a collaborative effort with the City, the County, and the Charlottesville-Albemarle Visitors Bureau.

Ms. Catlin reported that the Target Industry Study is moving forward as a regional approach and the City has agreed to be part of this effort along with other neighboring localities, adding that there is a meeting this afternoon with TJPED.

Mr. Boyd asked if the identification of assets could be done in phases as it is really important to move forward with that part of the study. Ms. Catlin said that the first part of the study is the Strengthens, Weaknesses, Opportunities and Threats (SWOT) analysis, which does not depend on the regional study timetable.

Ms. Catlin then mentioned the recent Board of Supervisors/School Board meeting that included discussion of workforce needs has been summarized into themes and would be shared with group participants soon, with Mr. Foley working with Dr. Moran to see how that should move forward.

Ms. Susan Stimart, Economic Development Facilitator, addressed the Board, stating that Custom Inc. is up to 40 new hires and anticipates as many as 100 jobs – located in the Comdial building. She said that MicroAire is accepting bids for the retrofits needed for the U.S. Postal Service building, with an \$8 million investment and hiring of 50 new employees. Ms. Stimart said that the Albemarle Business First program has a multi-agency team set up, working with TJPED staff and others in an effort to reach out to over 50 businesses this year. She stated that they would be gathering information on current and long-range issues along with feedback on current business climate.

Ms. Stimart reported that the Monticello Artisan Trail has almost 90 businesses signed up and the map/brochure is under design with an expected completion time of early June. She said that signs are available and would soon be placed in the community. She added that the County is partnering with the

local food hub with a local market at the County building is scheduled for the first Thursday of every month from 11:00 a.m. to 2:00 p.m.

Mr. Steve Allshouse, Manager of Economic Analysis and Forecasting, said that there have been some fairly hefty increases in sales tax and meals tax revenue – but those numbers need to be taken very cautiously as there are variables such as the County's enhanced tax collection efforts that could be skewing the numbers upward. Mr. Allshouse said that things seem to be going in the right direction although the growth is anticipated to be fairly tepid. He reported that the unemployment rate has decreased by .2% over the last year, with approximately 117 jobs added to the local jobs base – a .2% increase.

Mr. Boyd asked if those numbers can be broken down by private sector and public sector jobs. Mr. Allshouse responded that this is possible.

Mr. Allshouse stated that the total number of business licenses is 4,240 in the County at the end of the first quarter, but he has nothing to compare it to now because the information is not available – although he will be able to track it on a quarterly basis. He said that new business licenses totaled 82 in the first quarter, and the Small Business Development Center clients have increased slightly.

Mr. Allshouse reported that there is still a glut of unsold inventory in the community, which continues to put downward pressure on housing prices, and there will not likely be a quick turnaround on the residential side. He said that there was a 60% jump in building permits on the commercial side, which is related primarily to Hollymead Town Center activity. They area also seeing a one-third drop on the residential building permit side.

Ms. Mallek asked if the senior housing at Old Trail would be considered residential or commercial.

Mr. Graham responded that it does not fall under either residential or commercial, but would be considered non-residential/institutional although it is residential units.

Mr. Allshouse added that there is no update available on annual data at this time.

Ms. Catlin reported that the ABC can track the amount of liters that farm wineries pay tax on from their tasting rooms – which is where vineyards do the majority of their sales – and in the fourth quarter of 2009 that number was 63,000 liters; in the fourth quarter of 2010 it was 129,000 liters.

Ms. Catlin summarized that the Action Plan continues to move forward and the next report would focus on milestones at the end of the first year of the Plan.

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Agenda Item No. 14. Closed Meeting.

At 12:46 p.m., Mr. Thomas **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711.A of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions, and under subsection (3) to consider the acquisition of real property for park or conservation purposes. 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.

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Agenda Item No. 15. Certify Closed Meeting.

At 2:04 p.m., Mr. Thomas **moved** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

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

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

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Agenda Item No. 16a. Boards and Commissions: Vacancies/Appointments.

Mr. Snow **moved** the following appointments/reappointments:

**appoint** Frances Hooper to the Charlottesville-Albemarle Regional Transportation Advisory Committee with said term to expire April 3, 2014;

**appoint** Chuck Johnston and John Savage to the Crozet Community Advisory Council with said terms to expire March 31, 2013;

**reappoint** Waltine Eubanks to the Advisory Council on Aging with said term to expire May 31, 2013; and

**reappoint** Brad Cogan to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2015.

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.

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Agenda Item No. 17. From the Board: Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 18. Adjourn.

There being no further business, the meeting adjourned at 2:05 p.m.

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Chairman

Approved by Board
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Date: 10/05/2011
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Initials: EWJ
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