

ACTIONS
Board of Supervisors Meeting of July 7, 2004

July 21, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:00 a.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Peter Kleeman spoke regarding the paving of Route 795. He asked Board to address, with the Resident Engineer, their role in the paving of this project. He also asked the Board to determine if what they supported is what is being developed. Tom Loach asked the Board to not take action on any economic development issues until the Board has dealt with the Rural Areas Plan. Attila Halmy asked the Board to support traffic calming on Lanford Hills Drive (Item 6.3 on the consent agenda). 	
<p>5. Introduction of Ronald Matthews, Jail Superintendent.</p>	
<p>6.2 Resolution establishing Petty Cash Funds.</p> <ul style="list-style-type: none"> ADOPTED Resolution formally establishing petty cash funds and limits for departments identified in resolution. 	<p><u>Clerk:</u> Forward adopted resolution to Finance, OMB and appropriate individuals. (Attachment 1)</p>
<p>6.3 Lanford Hills Drive Traffic Calming Inducements.</p> <ul style="list-style-type: none"> ADOPTED Resolution requesting VDOT to consider Lanford Hills Drive for traffic calming and to initiate traffic calming process. Mr. Rooker commented that as more neighborhoods look to have traffic calming in their area, staff needs to look at how these measures might be funded, the cost impact to our local VDOT allocation, and try to develop a prioritization for those items with respect to construction, pedestrian, sidewalk and other improvements. 	<p><u>Clerk:</u> Forward adopted resolution to Juan Wade to coordinate with VDOT. (Attachment 2) <u>Juan Wade:</u> Look into issues raised by Mr. Rooker.</p>
<p>6.4 SP-2003-070. Gregory Gallihugh (defer to August 11, 2004)</p> <ul style="list-style-type: none"> DEFERRED SP-2003-070 until August 11, 2004 at the applicant's request. 	<p><u>Clerk:</u> Schedule on agenda.</p>
<p>6.5 Agreement between County and VDOT and Agreement between County and Thomas Jefferson Foundation, Inc., for construction and funding of Thomas Jefferson Parkway Project.</p> <ul style="list-style-type: none"> AUTHORIZED County Executive to execute Agreement for the Development and Administration of the Thomas Jefferson Parkway between the County and VDOT and the corresponding pass-through Agreement between the Foundation and the County. The pass-through Agreement will not be executed until the VDOT Agreement 	<p><u>County Attorney's office:</u> Provide copy of agreement to Clerk after signed by all appropriate parties. (Attachment 3)</p>

	has been executed by VDOT.	
6.6	Requested FY 2004 Appropriations. <ul style="list-style-type: none"> • APPROVED Appropriations #2004082, 2004083 and 2004084. 	<u>Clerk:</u> Forward signed appropriation forms to Finance, OMB and copy appropriate staff.
6.7	Personnel Policy (P-02) Revisions. <ul style="list-style-type: none"> • ADOPTED Resolution approving changes to Personnel Policy P-02. 	<u>Clerk:</u> Forward signed resolution to Human Resources and copy County Attorney's office. (Attachment 4)
6.8	Dance Hall Permit Request for Kokopelli's Café. <ul style="list-style-type: none"> • APPROVED dance hall permit for Kokopelli's Café. 	<u>Clerk:</u> Send letter to applicant notifying of approval.
6.9	Authorize County Executive to accept the University of Virginia's request to prepay their pro-rata share of the 800 MHz Radio System Financing. <ul style="list-style-type: none"> • AUTHORIZED County Executive to accept the University of Virginia's request as set out in the Executive Summary. 	<u>County Executive's office:</u> Notify University of the approval. Staff to prepare appropriation request for future action covering County's increased share of debt service payments.
7a.	Presentation: Route 29H250 Study, Harrison Rue. <ul style="list-style-type: none"> • RECEIVED. 	
7b.	Discussion: Sunridge Road Improvement Project. <ul style="list-style-type: none"> • AUTHORIZED use of \$50,000 from CIP Fund balance to cover additional projected construction costs. 	<u>Richard Wiggans:</u> Prepare appropriation form for approval on future agenda.
7c.	Transportation Matters not Listed on the Agenda. <u>Jim Bryan:</u> <ul style="list-style-type: none"> • Asked if his letter of June 7th satisfactorily address the concerns expressed by the Board regarding a grade-separated interchange and the Meadow Creek Parkway. • At Ms. Thomas request, Mr. Bryan responded that VDOT can look at a roundabout. • Mr. Rooker asked if the traffic modeling included the potential for an interchange at Route 250 and the Meadow Creek Parkway. Mr. Bryan said he would look into that and respond to the Board. <u>David Wyant:</u> <ul style="list-style-type: none"> • Mentioned a drainage problem in Albemarle Lake Subdivision. <u>Sally Thomas:</u> <ul style="list-style-type: none"> • Asked if the traffic lights on either side of Free Bridge are coordinated. <u>Dennis Rooker:</u> <ul style="list-style-type: none"> • Said the stop lights at the off ramp of the Route 250 Bypass to go south on Route 29 (at Bodos) does not permit a right turn on red. He asked if someone would take a look at permitting a right turn on red at the off ramp to prevent traffic from backing up. In addition a vehicle traveling south on Route 29, at this same location, cannot turn into Bodos and the commercial area on a green light. Vehicles must wait for a green turn signal. This causes traffic to stack up. He asked that someone look at allowing left turn on green at this location. • Asked when the County will get final input from VDOT on the traffic inputs necessary for the North Pointe project. Mr. Bryan said they have provided all their comments unless changes 	<u>Clerk:</u> Forward comments to VDOT.

<p>have been made to the plan.</p> <p><u>Jim Bryan:</u></p> <ul style="list-style-type: none"> Regarding comments made about Blenheim Road (Route 795) at the beginning of the Board meeting, the applicant applied for a permit to work within VDOT's right-of-way; VDOT gave him the okay under certain conditions. Most of the work is being done on the applicant's property. The applicant did not apply to do work on the bridge and if he did VDOT probably would not allow it. This is a privately funded project. Mr. Bryan said he continues to feel good about the project and VDOT will maintain their vigilance for environmental concerns, etc. The applicant has done everything he said he would do and VDOT has done everything it said it would do. Because it is privately funded, it is a permit; not a VDOT project. The applicant should be complete by October. <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> Asked VDOT to look at the turn lane into the industrial park located on Avon Street Extended 	
<p>8. ALS Ambulance Service – Route 29 North Corridor.</p> <ul style="list-style-type: none"> APPROVED hiring of three firefighter/ALS personnel to staff CARS ambulance during day time hours. 	<p><u>Dan Eggleston:</u> Proceed as approved. <u>Richard Wiggans:</u> Prepare appropriation form for approval on future agenda.</p>
<p>9. Presentation: 2004-2006 Department of Social Services Strategic Plan.</p> <ul style="list-style-type: none"> RECEIVED. 	
<p>10. An ordinance to amend Chapter 12, Regulated Enterprises, Division 1, Dance Halls, Section 12-201, Permits – Required; Applications and Section 12-202, Revocation of Permit, of the Albemarle County Code, to change the process of approving dance hall permits to an administrative process.</p> <ul style="list-style-type: none"> ADOPTED Ordinance. 	<p><u>Clerk:</u> Forward ordinance to County Attorney's office for inclusion in next update of County Code with copy to Amelia McCulley. (Attachment 5)</p>
<p>11. An ordinance to amend Chapter 11, Parks and Recreation Facilities, Article I, In General, Division 3, Conduct Within and Use of Parks, Section 11-109, Disorderly Conduct, Fireworks and Weapons Prohibited in Parks, of the Albemarle County Code, to repeal the prohibition against the carrying of firearms in County park facilities as required by Virginia Code Section 15.2-915, amended July 1, 2004.</p> <ul style="list-style-type: none"> ADOPTED Ordinance. 	<p><u>Clerk:</u> Forward ordinance to County Attorney's office for inclusion in next update of County Code with copy to Pat Mullaney. (Attachment 6)</p>
<p>12. Proposed FY 2005 Budget Amendment.</p> <ul style="list-style-type: none"> APPROVED FY 2005 Budget Amendment in the amount of \$5,568,782, and APPROVED Appropriations #2005002, #2005003, #2005004, and #2005005 providing funding for various General Government, School, and Capital programs. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance and OMB and copy appropriate staff.</p>
<p>13. Discussion: Economic Development.</p> <p>Following comments/suggestions made:</p> <ul style="list-style-type: none"> Compile suggested data (outlined in the memo) for the last five years in a chart format, i.e., BPOL tax revenue, sales tax revenue, etc. 	<p><u>County Executive's staff:</u> Proceed as discussed.</p>

<ul style="list-style-type: none"> • Take into consideration the rural economy, promote agriculture and provide language to support the wine industry. • Continue to look at efficiency improvements in the County's review process. • Consensus to incorporate the regional economic development plan into the County's economic development plan. • Consensus that staff bring back to the August 4th meeting an outline of the job description for the new urban development position. 	
<p>14. Work Session: Groundwater Ordinance. Following comments/suggestions made:</p> <ul style="list-style-type: none"> • Ms. Thomas suggested the Tier 1 owner be allowed to get a Tier 2 check for "red flags" if he agrees to pay an additional \$25.00. Suggested payment for the stormwater system and assessment, and the well system throughout the County be at the same time. If those two are put together in the same fee structure, that might be a way of having all residents of County pay for water system, stormwater and overall monitoring system. • Suggested a Tier 3 application be denied based on the plan not being approved. Needs to be made clear so it is reflected in the ordinance. • Before the Planning Commission holds a hearing on this, staff bring back to the Board a recommended size of a subdivision where the County might require Tier 4 assessment and how that might work administratively. 	<p><u>Mark Graham/David Hirschman:</u> Proceed as directed.</p>
<p>15. Closed Session: Personnel Matters.</p> <ul style="list-style-type: none"> • At 12:11 p.m., the Board went into closed session. 	
<p>16. Certify Closed Session.</p> <ul style="list-style-type: none"> • At 2:13 p.m., the Board reconvened into open session and certified the closed session. 	
<p>NonAgenda.</p> <ul style="list-style-type: none"> • ADOPTED resolution denying claim of Karl Mansoor against the County of Albemarle. 	<p><u>Clerk:</u> Forward adopted resolution to Deborah Wyatt with copy to County Attorney. (Attachment 7)</p>
<p>17. Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED John A. Scrivani to the Acquisition of Conservation Easements (ACE) Committee, with term to expire August 1, 2007. • REAPPOINTED Joseph T. Samuels, Jr., to the Acquisition of Conservation Easements (ACE) Committee, with term to expire August 1, 2007. • APPOINTED Richard Keeling to the Acquisition of Conservation Easements (ACE) Committee, with term to expire August 1, 2007. • APPOINTED Jimmy Powell to the Acquisition of Conservation Easements (ACE) Committee, with term to expire August 1, 2007. • REAPPOINTED Charles M. Rotgin, Jr., to the Fiscal Impact Advisory Committee, with term to expire July 8, 2005. • REAPPOINTED William P. Jackameit to the Fiscal Impact Advisory Committee, with term to 	<p><u>Clerk:</u> Prepare appointment letters for Chairman's signature, update Boards and Commissions and webpage.</p>

<ul style="list-style-type: none"> • expire July 8, 2005. • REAPPOINTED Jeff Werner to the Fiscal Impact Advisory Committee, with term to expire July 8, 2005. • REAPPOINTED Richard L. Jennings as the joint appointee to the Joint Jail Authority, with term to expire June 30, 2007. • APPOINTED Carlton Gregory as the Scottsville District representative on the Board of Social Services, with term to expire December 31, 2007. • APPOINTED Marsal Stoll as the Rivanna District representative on the Board of Social Services, with term to expire December 31, 2007. • APPOINTED Brenda Doremus-Daniel as the Rio District representative on the Board of Social Services, to replace Mildred Kelly, with term to expire December 31, 2005. 	
<p>18. <u>SP-2004-008. Karin M. Gest (Sign #82).</u></p> <ul style="list-style-type: none"> • APPROVED SP-2004-008, by a vote of 6:0, subject to the two conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions below. (Attachment 7)</p>
<p>19. From the Board: Matters Not Listed on the Agenda. <u>David Wyant:</u></p> <ul style="list-style-type: none"> • Mentioned letter from Fraternal Order of Police regarding disparity between benefit packages offered by Albemarle County and the City of Charlottesville for their respective public safety officers. Mr. Tucker commented that he has asked Human Resources to look into this. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Represents the Board on the Mountain Overlay District Committee. The Committee has decided it will proceed by consensus. They hope to come up with something that everyone can agree on but it will take longer than expected to come up with a recommendation. • In 1997 she represented the Board on The VENTURE. Their final report was completed last week. • Asked if any progress has been made with HUD on the housing situation. Mr. Tucker responded that it appears we are making progress; a response has been received from Virgil Goode. <p><u>David Bowerman:</u></p> <ul style="list-style-type: none"> • Asked if staff could respond to the letters from the law enforcement personnel. Mr. Tucker commented that the comparison with the City is not just with law enforcement. The City's retirement and health benefits for all of their staff are different. We (Human Resources) will have to look at the gap for all employees. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Asked about information he received that the MPO has authorized the expenditure of \$9.0 million to study eastern connector roads. Mr. Rooker explained that in order for projects to be 	

<p>funded for the Six Year Plan, they have to be part of the CHART Plan. There are numerous projects in CHART the Committee thinks should be included because we might at some point want to include and fund them in the Six Year Plan. Planning for the eastern connector is one of those potential projects. There are estimated costs for these projects. No money has been allocated to any of the projects.</p>	
<p>20. Work Session: Subdivision Text Amendment. Following comments/suggestions made:</p> <ul style="list-style-type: none"> • Consensus that staff amend the draft language to take into account flexibility with regard to topography and lot size issues that might be adversely impacted by overlot grading similar to the DISC recommendations. Forward amended language to DISC II for their review and comments. 	<p>Mark Graham: Proceed as directed and schedule for August 4th agenda to continue discussion.</p>
<p>21. Adjourn to July 14, 2004, 4:00 p.m.</p> <ul style="list-style-type: none"> • At 5:19 p.m., the Board adjourned to July 14th. 	

/ewc

- Attachment 1 – Petty Cash Resolution
- Attachment 2 – Lanford Hills Drive Resolution
- Attachment 3 – Thomas Jefferson Parkway Project Agreement
- Attachment 4 – Personnel Policy P-02 Resolution
- Attachment 5 – Dance Hall Permits Ordinance
- Attachment 6 – Firearms in County Parks Ordinance
- Attachment 7 – Resolution denying Karl Mansoor Claim
- Attachment 8 – Conditions of Approval

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to establish certain petty cash funds for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 3,350.00
Social Services	200.00
Planning Department	25.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Commonwealth's Attorney	100.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 5,825.00</u>

RESOLUTION

WHEREAS, speeding has become a problem on Lanford Hills Drive (SR 1251) and creates a potential hazard for the motorists and residents that live and work along that roadway; and

WHEREAS, the Virginia Department of Transportation has developed and approved the Residential Traffic Calming Guide; and

WHEREAS, the Traffic Calming Guide was developed to address speeding problems in residential districts; and

WHEREAS, the Virginia Department of Transportation has conducted a speed study along Lanford Hills Drive, which confirmed that a speeding problem exists; and

WHEREAS, the Traffic Calming Guide has been explained to the residents of Lanford Hills Drive in a community meeting; and

WHEREAS, every resident (100%) of Lanford Hills Drive supports traffic calming measures to help reduce speeding; and

WHEREAS, Lanford Hills Drive has met all of VDOT’s Traffic Calming Guidelines to qualify for traffic calming inducements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests VDOT to consider Lanford Hills Drive for traffic calming and to initiate the traffic calming process.

TRANSPORTATION ENHANCEMENT PROGRAM

**SUPPLEMENTAL AGREEMENT
FOR PROJECT DEVELOPMENT AND ADMINISTRATION**

THOMAS JEFFERSON PARKWAY

BY: ALBEMARLE COUNTY

THIS SUPPLEMENTAL AGREEMENT Number 1, made and executed in triplicate as of this _____ day of _____, _____, between the COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION, herein called the "Department" and ALBEMARLE COUNTY, a political subdivision of Virginia, hereinafter called the "Sponsor".

W I T N E S S E T H:

WHEREAS, the parties to this SUPPLEMENTAL AGREEMENT entered into an ORIGINAL AGREEMENT dated March 21, 1997 for the development and administration of an Enhancement Program Project designated by Project Numbers: EN93-002-V05, PE101, RW201, C501 / PPMS Number 13772; EN94-002-V09, PE101, RW201, C501 / PPMS Number 15152; EN96-002-119, PE101, C501 / PPMS Number 16539; and EN99-002-143, PE101, RW201, C501 / PPMS Number 52020, and referred to hereinafter as the "Project"; and

WHEREAS, the Commonwealth Transportation Board had previously allocated \$3,000,000 in Federal STP Enhancement funds for this Project as designated in the Department's Six Year Improvement Program; and

WHEREAS, the Commonwealth Transportation Board adopted an Enhancement Allocation for Fiscal Year 1998 - 1999 and allocated an additional \$400,000 resulting in a total allocation of \$3,400,000 in Federal STP Enhancement funds for this Project; and said total allocation requires a minimum 20% local match and any expenditures above the combined federal / local funds must be 100% local funds; and

WHEREAS, the Sponsor's share of the project costs may be provided in the form of cash, land donation or in-kind services, as identified in Attachment B; and

WHEREAS, all other terms and conditions of the ORIGINAL AGREEMENT remain unchanged;

NOW, THEREFORE, this SUPPLEMENTAL AGREEMENT shall be binding upon the personal representatives and legal successors of the respective parties hereto.

IN WITNESS THEREOF, the parties hereto have caused this SUPPLEMENTAL AGREEMENT to be executed by their duly authorized officers.

ATTEST:

_____ Commonwealth Transportation Commissioner Commonwealth of Virginia Department of Transportation	_____ Sponsor Name Title _____ Jurisdiction _____	_____ Date
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_____ Signature of Witness	_____ Date	_____ Signature of Witness	_____ Date
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PROJECT NUMBER: EN93-002-V05, PE101, RW201, C501
PPMS NUMBER: 13772

**Enclosure:
Attachment B**

Attachment B to Supplemental Agreement

Project Number: EN93-002-V05, PE101, RW201, C501

Project Description: The Thomas Jefferson Parkway is designed to protect and enhance the existing vehicular corridor, offer access to Monticello by other modes of transportation, and provide a recreational and educational amenity which broadens and enriches the visitor's experience, but also stands alone as a community parkway and park. Construction to date includes regraded side slopes, new guardrails and signs, burial of overhead utility lines, a bridge to improve access to the entrance of Monticello, a two-mile accessible hiking and biking trail, and a 175-acre park with overlooks, trails, a native plant arboretum and pond.

Location: Along State Route 53 from State Route 20 to the entrance to Monticello in Albemarle County, Virginia.

Property Acquisition Required (Y/N): NO

Consultant Services to be Used (Y/N): YES

Tentative Schedule: Completed by Fall of 2004

Base the following responses on the amount of federal funding allocated in the attached Agreement; do not include future allocations or total estimated project costs. If this is a Supplemental Agreement, address only the additional funds received in this allocation.

Description of work/activities to be performed with this allocation:

This phase of funding will be used to build a pedestrian culvert under the Thomas Jefferson Parkway (Route 53) to allow safe access for walkers and bicyclists to Monticello and the park created with funding from the first three phases.

* If this allocation will be used to cover costs in multiple phases of a project, separately identify the work/activities to be performed in each of the different phases.

Sponsor's Share:

Cash: \$100.00

Land Donation: \$ _____ Estimated/Appraised Value

In-kind Service / Volunteer Labor: \$ _____

*Include estimated number of hours & rates

AGREEMENT FOR DEVELOPMENT AND ADMINISTRATION

OF THE THOMAS JEFFERSON PARKWAY

BY THE THOMAS JEFFERSON MEMORIAL FOUNDATION, INC.

THIS AGREEMENT, made and executed in triplicate as of this _____ day of _____, 2004, between the **THOMAS JEFFERSON FOUNDATION, INC.**, formerly THOMAS JEFFERSON MEMORIAL FOUNDATION, INC., hereinafter called the "Foundation" and the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia, hereinafter called the "County".

WITNESSETH:

WHEREAS, the Virginia Department of Transportation, hereinafter called the "Department" has adopted a Six Year Improvement Program for Fiscal Year 1993-94, 1994-95, 1996-97, and 1999-2000 for streets and highways, which includes an allocation of funds for the Thomas Jefferson Parkway (Phases I, II, III and IV) identified in the Enhancement Program portion of the Six Year Improvement Program and designated as Projects EN93-002-V05-PE101,RW201,C501; EN94-002-V09-PE101,RW201,C501; EN96-002-119-PE101,PE102,C501; and EN99-002-143,PE101, RW201,C501 and referred to hereinafter as the "Project"; and

WHEREAS, the estimated cost of the project is \$6,781,014 for Phases I, II, III, and IV, which includes \$3,400,000 of Enhancement Program Funds and \$3,381,014 in contributions to the Project by the Foundation; and

WHEREAS, the Department and the County desire to construct the Project and have entered into an Agreement in which the County agrees to have the Project implemented within 48 months from the date funds are made available for each phase of the Project; and

WHEREAS, the Foundation desires to undertake certain responsibilities and duties of the County as an incentive for the County to undertake the Project and to complete it as expeditiously as possible.

NOW, THEREFORE, for and in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The Foundation shall consult with, and act as the agent of, the County in performing the preliminary engineering, right-of-way/property acquisition and construction phases of the Project, specifically including the following:
 - a. Perform or contract with a consultant to perform the preliminary engineering, design and plan development necessary to award a contract for construction; and the administration, supervision and inspection of the construction of the Project through final acceptance, in accordance with Department procedures and policies, including settlement of any claims and disputes arising from the Project.
 - b. If deemed appropriate by the County or the Department, submit each phase of the work to the County or the Department for review and approval as the Project develops; allow County or Department personnel to inspect all phases of the Project at all times.
 - c. Prepare bid documents, plans and specifications for the Project, including such items as general notes, references to specifications and standards, typical sections, drainage plans, stormwater management, erosion and sediment control methods, profiles, cross sections, summaries, and the like. Plans and bid documents must meet or exceed Department standards and be approved by the Department.
 - d. Coordinate the Project through the State Environmental Review Process, prepare the appropriate environmental document as established by the Federal Highway Administration policy and procedures and carry out the functions necessary to clear the Project environmentally.
 - e. Locate potential contaminated and/or hazardous waste sites during the survey or early plan development stage. Discuss the presence of these sites and design alternatives with the Department. Once contamination is determined to exist, whether obvious or established through testing, the Foundation shall notify the

appropriate regulatory agency. Conduct detailed studies such as site characterization to determine the length of time required for clean-up and potential financial liability for the County and Department. If the purchase of property is anticipated the first option is to pursue remediation by the property owner(s) through the appropriate agencies.

- f. If required by the Department, post a “notice of willingness to hold a public hearing” on the Project so that the County can conduct such a hearing, if necessary, in accordance with Department and Federal Highway Administration requirements and coordinate the Project with property owners in the Project area.
- g. Obtain all necessary permits for the Project.
- h. If required, prepare right-of-way/property acquisition plans or plats for the Project and acquire title to all property needed for the Project in the name of the Foundation by purchase or to pay all costs of the County in acquiring title to property by eminent domain, if necessary.
- i. If applicable, abide by Titles 25 and 33 of the 1950 Code of Virginia, as amended, in the acquisition of rights-of-way/property for this Project and follow the policy and procedures outlines in Section 702.02 of the Department’s Right of Way Manual, which are incorporated by reference.
- j. Provide relocation assistance to those whose property is acquired for the Project in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR Part 24).
- k. Deliver all appraisals, negotiation reports, relocation assistance files, closing statements, eminent domain records and the like to the County so it can maintain them for a period of three (3) years after final disposition of the Project by the Federal Highway Administration. Acceptance of final voucher shall constitute final disposition.
- l. Coordinate and authorize utility relocations.
- m. Procure a contractor to construct the Project, in conformance with applicable provisions of the Virginia Public Procurement Act. The Foundation will not award a construction contract to any bidder unless its bid is within seven percent (7%)

of the County's cost estimate or is approved by the Department. The Foundation will not award such contract until the Commonwealth Transportation Board has accepted and approved the bid and the contractor, and until a standard County-State agreement is executed.

- n. Submit any change orders to construction contracts for which reimbursement is requested to the County Engineer and the Department's Resident Engineer for approval prior to the authorization of the change order.
- o. Receive County and Department approval of any claims arising from construction contracts for which reimbursement is requested prior to settlement.
- p. Maintain accurate records of the Project and documentation of all expenditures, identifying federally participating, federally non-participating, and in-kind contributions, on which reimbursement will be based. Make Project documentation available for inspection and/or audit by the County, the Department or the Federal government at any time.
- q. All project costs shall be paid by the Foundation. The Foundation shall submit to the Department, with a copy to the County, no more frequently than monthly, a statement requesting reimbursement for the Federal share of the Project's costs. The statement must identify and document Project expenditures to date and include a summary in the following categories:
 - Participating expenditures
 - Non-participating expenditures
 - In-kind contributions of donated right-of-way or services.
- r. Agree to reimburse the County 100% of all expenses incurred by the County in the event that:
 - The project is canceled during any phase of work;
 - Expenditures incurred are not reimbursed by the Federal Highway Administration due to the failure to follow proper federal guidelines and/or the expenditures are found to be federally non-participating items;
 - Expenditures incurred exceed the total amount allocated in the Six Year Improvement Program or funds actually available for the Project.

- s. Meet all County site plan, zoning, and subdivision ordinance requirements.
2. The County will coordinate with, cooperate with, and assist the Foundation in implementing the Project, and specifically agrees to:
 - a. Respond in an expeditious manner to requests from the Foundation.
 - b. Provide the necessary coordination with the Department, Federal Highway Administration and other appropriate Federal and State agencies; provide assistance and guidance to the Foundation relative to environmental documentation and coordination as is appropriate.
 - c. Process payments to the Foundation of reimbursements received from the Department for Project expenditures.
 - d. Cooperate with the Foundation and the Department in the audit of all project costs and records as required by the federal highway administration.
 - e. To take all reasonable actions required to obtain funding for the project pursuant to the Enhancement Program in the Department's Six Year Improvement Program. The maximum amount of federal funds available for this project is \$3,400,000.
3. All applicable federal, state and local regulations shall apply to all work performed on the project including consultant services contracts and construction contracts.
4. Nothing herein shall be construed as creating any personal liability on the part of any officer, employee, or agent of the parties, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.
5. This Agreement shall be binding upon the parties hereto, and their respective successors and assigns.
6. Upon the execution of this Agreement by both parties and upon notification by the County that the Department approvals have been received, the Foundation will be authorized to commence with the Project.
7. This agreement may be modified by written agreement with the mutual consent of the Foundation and the County.
8. The Foundation will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, national origin or other non-merit

factors provided they are qualified and meet physical requirements established for the positions.

9. None of the funds, materials, property or services contributed by the County or the Foundation, under this Agreement, shall be used in the performance of this Agreement for any partisan political activity, or to further the election or defeat of any candidate for public office.
10. No officer, member, or employee of the Foundation who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Agreement which affects his personal interest or have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
11. The Foundation shall contribute a minimum of \$680,000 to the Project, and all such additional funds necessary to pay for expenditures for the Project in excess of the allocated Enhancement Program Funds, such total contribution estimated to be a minimum of \$3,381,014, which is to be in a form and made at such time as acceptable to the Department and the County.
12. The Foundation shall maintain any property improved as part of the Project which is not accepted for maintenance by the Department. The minimum level of maintenance shall be a reasonable standard of care as determined by the Department.
13. The Foundation shall, after construction of the Project, or any part thereof, not permit any changes or alterations to the Project, as approved and completed, without the prior written approval of the Department.
14. The Foundation shall, prior to any substantial work on the Project, have appropriate Foundation agents and personnel, as determined by the County and the Department, attend a preliminary coordination meeting with the County and the Department.
15. The Foundation agrees to indemnify the County and hold it, and its officers, agents, representations and employees harmless from any and all claims, damages, costs, including attorney's fees, and liabilities of any kind arising out of or resulting from the Foundation's or its agents' negligent performance of its obligation under this Agreement or any failure by the Foundation to meet any obligation required to complete the Project.

16. The Foundation shall take out and carry during the entire term of this Agreement, property damage insurance and general public liability insurance with adequate limits to protect both the Foundation and the County from liability, such limit being not less than \$1,000,000. The Foundation will provide the County with a Certificate of Insurance naming the County as an additional insured and evidencing the insurance coverage required herein.
17. The Foundation shall provide to the County a performance bond, in a form approved by the County Attorney, in an amount up to \$3,400,000, if required by the County Attorney, to guarantee the Foundation's performance of this Agreement. Such performance bond shall be delivered to the County prior to its execution of the Agreement.
18. This Agreement supersedes the Agreement for Development and Administration of the Thomas Jefferson Parkway By the Thomas Jefferson Memorial Foundation, Inc. dated March 27, 1997, previously entered into by the parties to this Agreement. Any provision of such earlier agreement inconsistent with this Agreement shall be of no further effect upon the execution of this Agreement by all of the parties hereto.

IN WITNESSETH WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

ATTEST:

COUNTY OF ALBEMARLE

COUNTY CLERK

COUNTY EXECUTIVE

APPROVED AS TO FORM:

BY: _____
COUNTY ATTORNEY

WITNESS:

THOMAS JEFFERSON MEMORIAL
FOUNDATION, INC.

_____ BY: _____

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

WHEREAS, the proposed Personnel Policy Manual changes make medical/dental insurance coverage available sooner to new employees and clarifies the Board's health/dental insurance contributions to two married County employees; and

WHEREAS, the Board of Supervisors desires to adopt these Personnel Policy revisions;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends the following section of the County of Albemarle Personnel Policy Manual:

By Amending:

Section P-02 Definition of Employee Status

Section P-02 DEFINITION OF EMPLOYEE STATUS

The Board will maintain standard definitions of employment and will classify employees in accordance with these definitions. To aid in continuity and ease of reading, masculine pronoun will be used throughout our policies to denote both male and female employees.

- A. Classified Employees – A classified employee is defined as any County employee. All County employees are employees at-will and may be dismissed from employment at any time, for any reason, or for no reason. Regular full-time or part-time employees who have completed all probationary periods, and are eligible to grieve, may grieve such actions according to the grievance procedures set forth in Section P-03 of this Policy Manual.
- B. Definitions of Employment
 - 1. Regular – Employment in an approved budgeted full-time or part-time position that is meant to be part of the regular County work force. The term “permanent” shall have the same meaning as “regular” as these terms are used throughout this Policy Manual.
 - a. Full-Time: Employment in an established position for not less than 40 hours per normal workweek (Saturday at 12:01 a.m. to Friday at midnight)* and 52 weeks per fiscal year.
 - b. Part-Time: Employment in an established position requiring less than 40 hours per normal workweek.
 - c. Probationary: The first six (6) months (12 months for certain positions) of employment with the County are considered a probationary period. This time is used by both the employee and the County to determine whether the position and the employee are suited for each other. An employee's progress will be evaluated throughout the probationary period, as required by Section P-23 of this Policy Manual.
 - 2. Salaried Board Members: Members of the Board of Supervisors and Planning Commission are paid an annual salary as established by county ordinance and state law.
 - 3. Temporary: Employment that meets one or more of the following criteria:
 - a. Employment in a position established for a specific period of time.

- b. Employment for the duration of a specific project or group of assignments.
- c. Employment as a temporary in the absence of the incumbent in a position classified as full-time or part-time, as defined in Section B.1 above. This shall not include regular employees who are serving in another position on a temporary basis (see P-60).

*NOTE: Schedules other than those noted may be established by Department Heads provided that the alternate schedules are in writing and provided to the employees and to the Department of Human Resources.

C. Extent of Participation in and Eligibility for Benefits

- 1. Full-Time Regular: Eligible to participate in all benefit programs.
- 2. Part-Time Regular: Must be at least half-time (4.0 hours per day) to be eligible to participate in prorated medical benefits, leave benefits, and applicable retirement and life insurance programs. County employees hired prior to the implementation of this policy (i.e. October, 1985) and who received benefits, will not lose such benefits.
- 3. Temporary: Ineligible to participate in benefit programs.
- 4. Salaried Board Member: Eligible to participate in all medical and dental insurance programs.

In order for a new employee to be paid by the end of the month in which they are hired, paperwork must be received in the Department of Human Resources by the 15th of the month. If the 15th falls on a weekend, paperwork must be received the workday prior to the 15th.

New employees are eligible for medical/dental insurance coverage the first of the month following the month in which they are hired. Employees are not required to pay the employee premium for that month. Employees may elect for insurance coverage to begin earlier, but not prior to the date of hire. In such cases, the employee will be responsible for the full cost of the premium (Board and employee portions), prorated based on a 30-day month. Non-benefits-eligible employees who subsequently become eligible and employees who previously declined coverage and subsequently elect coverage will be treated the same as new employees regarding coverage start date and premium payments. Medical/dental premiums are paid in advance of the month of coverage.

Except as provided under COBRA or other applicable law, medical/dental insurance coverage may continue through the end of the month following the month of termination provided all employee premiums are paid. Otherwise, coverage will cease at the end of the month of termination.

Employees who are married to another County employee will be eligible for two Board contributions toward medical/dental insurance. It is the responsibility of the employee to notify the Department of Human Resources of this situation and, upon notification, the change in contribution will be made with the next payroll. In no event will the County be responsible for retroactive payments to employees who fail to provide this notification.

D. Continuous Service is defined as: Uninterrupted employment while a regular employee with the County of Albemarle. Continuous service is broken by termination of or resignation from employment, voluntary or involuntary.

E. Throughout the policies, the word "Day" shall be defined as: the number of hours an employee is identified on the Employee Personnel System as working. It is not necessarily the number of hours the employee actually works per day. It is calculated by taking the number of hours the employee works per year, and dividing it by 260 (the number of days per year in the system).

Full Time	Classified (other than those noted below)	2080 hrs/year	a day = 8 hours
	Police Patrol	2071 hrs/year	a day = 8.1 hours
	Fire & Rescue Day Personnel	2600 hrs/year	a day = 10 hours
	Fire & Rescue 24-hr Personnel	2912 hrs/year	a day = 11.2 hours
Part Time	Classified	Prorated based on hrs worked	Prorated

Amended: August 7, 1996; June 2, 2004, July 7, 2004

ORDINANCE NO. 04-12(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, REGULATED ENTERPRISES, ARTICLE II, AMUSEMENTS, DIVISION I, DANCE HALLS, 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 12, Regulated Enterprises, Article II, Amusements, Division I, Dance Halls, is hereby amended and reordained as follows:

By Amending:

Section 12-201 Permits-Required; applications

Section 12-202 Revocation of permit

CHAPTER 2. REGULATED ENTERPRISES

ARTICLE II. AMUSEMENTS

DIVISION 1. DANCE HALLS

State law reference--authority to adopt article, see Va. Code §§ 18.2-432, 18.2-433.

Sec. 12-200 Dance hall defined.

For the purposes of this division, the term "dance hall" means any place open to the general public where dancing is permitted.

(Code 1967, § 8-1; Code 1988, § 3-11; Ord. 98-A(1), 8-5-98)

State law reference--Authority to codify ordinance, Va. Code § 18.2-433

Sec. 12-201 Permits--Required; applications.

A. It shall be unlawful for any person to operate a dance hall in the county unless such person shall have first obtained a permit from the county.

B. Applications for such permits shall be filed with the zoning administrator. Such applications shall contain the following information:

1. name of the person owning the dance hall;
2. name of the person managing the dance hall;
3. the location of the dance hall;
4. a statement as to whether or not alcoholic beverages are to be served on the premises of such dance hall; and
5. certification from the building official and fire marshal that such dance hall is in conformity with applicable provisions of the Virginia Uniform Statewide Building Code and the Fire Prevention Code.

(4-21-76; Code 1988, § 3-12; Ord. 98-A(1), 8-5-98; Ord. 04-12(1), 7-7-04)

Sec. 12-202 Revocation of permit.

Permits issued by the county pursuant to the provisions of this division may be revoked by the zoning administrator for any violation by the permittee of the provisions of this division or for any false statement made on the application required by the preceding section. No such permit shall be revoked unless the permittee shall have received reasonable notice that he is entitled to a hearing before the zoning administrator prior to action on revocation. Such notice shall state the time and place such hearing is to be held.

(Code 1988, § 3-13; Ord. 98-A(1), 8-5-98; Ord. 04-12(1), 7-7-04)

Sec. 12-203 Attendance of persons under eighteen years of age.

It shall be unlawful for any person operating a dance hall to allow any person under the age of eighteen (18) years to enter or remain in such dance hall while dancing is being conducted therein, unless such person is accompanied by a parent or legal guardian or by a spouse, brother or sister over the age of eighteen (18) years, unless such person has the written consent of such parent, legal guardian or spouse.

(Code 1967, § 8-2; Code 1988, § 3-14; Ord. 98-A(1), 8-5-98)

Sec. 12-204 Exemptions.

A. The provisions of this division shall not apply to dances conducted for benevolent or charitable purposes, or when such dances are conducted under the auspices of religious, educational, civic or military organizations.

B. The provisions of this division shall not apply to dance halls in any town in which an ordinance adopted pursuant to the provisions of Virginia Code § 18.2-433 is in effect.

(Code 1988, § 3-15; Ord. 98-A(1), 8-5-98)

Sec. 12-205 Violations; penalties.

Any person violating the provisions of this division shall be guilty of a class 3 misdemeanor.

(Code 1988, § 3-16; Ord. 98-A(1), 8-5-98)

Sec. 12-206 Relation of article to zoning ordinance.

In addition to the provisions of this article, dance halls shall be subject to all requirements of the county zoning ordinance.

(4-21-76; Code 1988, § 3-17; Ord. 98-A(1), 8-5-98)

ORDINANCE NO. 04-11(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, PARKS AND RECREATION FACILITIES, ARTICLE I, DIVISION 3, CONDUCT WITHIN AND USE OF PARKS, 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 11, Parks and Recreation Facilities, Article I, Division 3, Conduct Within and Use of Parks, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 11-109, Disorderly conduct, fireworks and weapons prohibited in parks, as follows:

CHAPTER 11. PARKS AND RECREATION FACILITIES

ARTICLE I. IN GENERAL

DIVISION 3. CONDUCT WITHIN AND USE OF PARKS

Sec. 11-109 Disorderly conduct, fireworks and discharge of weapons prohibited in parks.

A. No intoxicated person shall be permitted entry to any park and, if discovered therein, any such person shall be ejected.

B. The discharge of any firearm, air gun, gas gun or B.B. gun is prohibited, unless expressly permitted by state law. Nothing in this subsection shall prohibit a law-enforcement officer, as defined under state law, from acting within the scope of his duties.

C. Fireworks are prohibited in parks unless authorized by the director of parks and recreation.

D. No person shall, while in any park, conduct himself in a loud, rowdy or disruptive manner or otherwise act in such manner as to interfere with the reasonable use of such park by any other person.

(9-12-79; Code 1988, § 14-6.3; Ord. 98-A(1), 8-5-98; Ord. 04-11(1), 7-7-04)

This ordinance shall be effective on and after July 1, 2004.

**RESOLUTION TO DENY CLAIM
ASSERTED BY KARL MANSOOR**

WHEREAS, Karl Mansoor, by counsel, has asserted a \$1,000,000 claim against the County of Albemarle arising from alleged wrongful actions of the Albemarle County Police Department; and

WHEREAS, the Board of Supervisors finds that the claim is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia denies the claim of Karl Mansoor for alleged damages in the amount of \$1,000,000.

ATTACHMENT 8

SP-2004-008. Karin M. Gest (Sign #82). Request to allow private school for classroom driver training in accord w/Sec 20.4.2.1 of the Zoning Ord. This is an expansion of an existing classroom driver training use. TM 61Z3, P 202, contains .245 acs. Znd PUD. Loc on Incarnation Dr at intersect of Rt 1694 (Branchlands Blvd) & Rt 1427 (Hillsdale Dr). Rio Dist.

1. Maximum enrollment shall be ten (10) students; and
2. Normal hours of operation for the school shall be from 4:00 P.M. to 8:00 P.M. provided that occasional school-related events may occur outside of these hours.