

<b>ACTIONS</b>	
<b>Board of Supervisors Meeting of September 1, 2004</b>	
September 13, 2004	
<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>
1. Call to Order. <ul style="list-style-type: none"> <li>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 and Ella Carey.</li> </ul>	
4. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> <li>Mr. John Martin said before the Board makes a decision on the future of the Lane Auditorium, it should consider restoring the facility as a theater for drama and musical productions.</li> <li>Mr. David Blount, representing TJPDC, spoke regarding the development of the regional legislative program. He invited Board members to a legislative seminar scheduled for September 15<sup>th</sup>.</li> </ul>	
5.1 Public hearing to include W A Wells property (Loc on Polo Grounds Road) in the Albemarle County Service Authority jurisdictional areas. <ul style="list-style-type: none"> <li>At the request of staff, <b>DEFERRED</b> the public hearing until October 13, 2004.</li> </ul>	<u>David Benish:</u> Prepare executive summary. <u>Clerk:</u> Schedule on agenda.
5.2 Sheriff Compensation, request for increase. <ul style="list-style-type: none"> <li><b>AUTHORIZED</b> a supplement to the Sheriff's salary of \$5,748, retroactive to July 1, 2004, to be taken from the Board's reserve.</li> </ul>	<u>Finance/OMB:</u> Proceed as directed.
5.3 Adopt resolution designating segment of Allen Road (Route 666) from Route 664 to end of state maintenance as Rural Rustic Road. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward copy of resolution to Juan Wade, Wayne Cilimberg and Teresa Butler at VDOT. (Attachment 1)
5.4 Set public hearing on Routes 22/231 Through Truck Restriction. <ul style="list-style-type: none"> <li><b>SCHEDULED</b> public hearing for October 13, 2004.</li> </ul>	<u>Clerk:</u> Advertise for October 13 agenda. <u>Juan Wade:</u> Provide Clerk with language for advertising public hearing.
5.5 Authorize County Executive to sign agreement with the Thomas Jefferson Soil and Water Conservation District (TJSWCD) for County stormwater permit compliance. <ul style="list-style-type: none"> <li><b>APPROVED</b> expenditure of \$95,900 for the County's agreement with TJSWCD.</li> <li><b>AUTHORIZED</b> County executive to sign agreement with TJSWCD, after the agreement has been approved by the County Attorney.</li> </ul>	<u>County Attorney's office:</u> Forward agreement to appropriate parties for signature and provide Clerk with copy of final agreement after signed by all parties.
5.6 Adopt Resolution of Intent to amend the Comprehensive Plan to incorporate the Stormwater Master Plan. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward copy of resolution to Wayne Cilimberg and Mark Graham. (Attachment 2)
5.7 County of Albemarle 2003 Development Activity Report as prepared by the Department of Community Development. <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>	
6. Board-to-Board Presentation, School Board Chairman. <ul style="list-style-type: none"> <li><b>RECEIVED.</b> Board members asked School</li> </ul>	

<p>staff to provide additional information on student population for kindergarten through third grade in next report.</p>	
<p>7a. Criteria Utilized to Rank Secondary Roads.</p> <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> until October 6<sup>th</sup> to allow staff to clarify and/or provide additional information. Requested the information be provided in a flow chart format. Include information such as the reason or basis for why a road is ranked where it is; length of time the road is on the list; volume capacity ratios; and safety issues.</li> </ul>	<p><u>David Benish/Juan Wade</u>: Provide additional information as requested.</p>
<p>7b. Sun Ridge Road Improvement Project (RIP-99-001).</p> <ul style="list-style-type: none"> <li>• <b>DIRECTED</b> staff to develop an infrastructure cost-sharing policy for these type projects that may come to the Board in the future.</li> <li>• Staff to provide a status report on the Sun Ridge Road project, and, if possible, a policy to address this particular project at the October 6<sup>th</sup> meeting.</li> </ul>	<p><u>County Executive</u>: Provide information as requested.</p>
<p>7c. Transportation Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Chuck Proctor and Teresa Butler, VDOT Assistant Resident Engineers, were present.</li> </ul> <p><u>Chuck Proctor</u>:</p> <ul style="list-style-type: none"> <li>• Route 29 southbound lanes at Hollymead are open. Will require the contractor to do work requiring closing of lanes at night.</li> </ul> <p><u>David Wyant</u>:</p> <ul style="list-style-type: none"> <li>• Want to get together with VDOT to discuss some drainage issues.</li> <li>• Mentioned a sight distance and speed limit issue in the Advance Mills/Earlsville area.</li> </ul> <p><u>Sally Thomas</u>:</p> <ul style="list-style-type: none"> <li>• Previously discussed with Jim Bryan the Tillman Road/Route 250 intersection. The neighborhood asked for something to be done about the intersection. Ms. Butler said information was submitted to VDOT's Culpeper office on June 1<sup>st</sup> and as soon as a response is forwarded to her, she will forward it to the Board.</li> <li>• Thanked VDOT for installing the special speeding fine signs on Morgantown Road. Mr. Boyd asked for feedback on measuring the effectiveness of the fine.</li> </ul> <p><u>Dennis Rooker</u>:</p> <ul style="list-style-type: none"> <li>• Thanked VDOT for its participation in signage for the Albemarle County Fair.</li> </ul> <p><u>Teresa Butler</u>:</p> <ul style="list-style-type: none"> <li>• VDOT has been actively meeting with residents regarding the litter problems on Route 250 and Route 29. She has created a litter-type contract in an attempt to address the issues.</li> <li>• During the next year the Hatton Ferry will be operable on Fridays, Saturdays and Sundays.</li> </ul>	<p><u>Clerk</u>: Forward comments to VDOT.</p>
<p>8. Discussion: Key West Dam Repair Alternatives.</p> <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> until October 6<sup>th</sup> to allow staff time to develop a policy/criteria. Directed staff to</li> </ul>	<p><u>County Executive's office</u>: Proceed as directed.</p>

	<p>closely monitor the situation and come back to the Board immediately if there is a change.</p>	
9.	<p><b>Public Hearing:</b> To receive comments on an Ordinance to amend Chapter 15, Taxation, Article X, Real Estate, of the Albemarle County Code, by adding Section 15-1004, Property exempt from taxation by classification, and Section 15-1005, Property exempt from taxation by designation.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> ordinance</li> </ul>	<p><u>Clerk:</u> Forward to Finance and the County Attorney's office for inclusion in next update of County Code. (Attachment 3)</p>
10.	<p>Report: Total Rewards Program. <b>APPROVED</b> the following staff recommendations:</p> <ul style="list-style-type: none"> <li>• Implementing an Employee Recognition Program in January, 2005 at a cost of \$20,000 for the current fiscal year and an anticipated cost of \$50,000 for FY06.</li> <li>• Revised Merit Plan for FY06.</li> <li>• Development of skill and competency differentials for implementation in FY05/06.</li> <li>• Continued evaluation of Broadbanding for implementation in FY06/07 (possible pilot in FY05/06).</li> </ul>	<p><u>Kimberly Suyes/Roxanne White:</u> Proceed as approved.</p>
11.	<p>Update on COB Renovations.</p> <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> to allow staff time to get additional usage information on the Auditorium. Board <b>CONSENSUS</b> to renovate Auditorium as a Board room instead of renovating Room 241.</li> </ul>	<p><u>County Executive's office/Mike Stumbaugh:</u> Proceed as directed.</p>
12.	<p>Acquisition of Conservation Easements (ACE) Program Review Criteria.</p> <ul style="list-style-type: none"> <li>• <b>SET</b> the proposed ACE ordinance amendment for public hearing on October 6<sup>th</sup>. <b>EXTENDED</b> the ACE application deadline to October 31 for this year and extended all corresponding deadlines accordingly.</li> <li>• Dennis Rooker suggested staff consider the income of shareholders (depending on the number) for C-corporations.</li> </ul>	<p><u>David Benish/Ches Goodall:</u> Proceed as directed.</p>
13.	<p>Work Session: Architectural Review Board (ARB) Sign Guidelines.</p> <ul style="list-style-type: none"> <li>• <b>SET</b> public hearing for October 13<sup>th</sup>.</li> </ul>	<p><u>Clerk:</u> Advertise public hearing.</p>
14.	<p>Presentation of Draft Report: Southern Urban Area "B" Study.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
15.	<p>Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>• At 1:05 p.m., the Board adjourned into Closed Session.</li> </ul>	
16.	<p>Certify Closed Session.</p> <ul style="list-style-type: none"> <li>• At 2:10 p.m., the Board certified the Closed Session.</li> </ul>	
17.	<p>Appointments.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Robin Mellen to the Agricultural &amp; Forestal District Advisory Committee.</li> <li>• <b>APPOINTED</b> Victor F. Stone, Jr., to the Community Mobility Committee.</li> <li>• <b>REAPPOINTED</b> Raymond East to JAUNT with said term to expire September 30, 2007.</li> </ul>	<p><u>Clerk:</u> Prepare letters for Chairman's signature, notify appropriate individuals and update Boards and Commissions notebook.</p>
18.	<p>Work Session: STA 01-08 – Comprehensive Revision of the Subdivision Ordinance.</p> <ul style="list-style-type: none"> <li>• <b>DIRECTED</b> staff to draft ordinance language, to</li> </ul>	<p><u>Wayne Cilimberg/Elaine Echols:</u> Proceed as directed.</p>

	include the seven criteria and other criteria as necessary, that provides for a process to allow the Planning Commission to grant waivers.	
19.	<b><u>SP-2004-00021. Margaret Engle, Ballet School</u></b> (Sign #30). <ul style="list-style-type: none"> <li>• <b>APPROVED SP-2004-00021</b>, by a vote of 6:0, subject to the 3 conditions recommended by the staff.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
20.	<b><u>CPA-2004-003. Community Facilities Plan.</u></b> <ul style="list-style-type: none"> <li>• <b>ADOPTED CPA-2004-03</b>, by a vote of 6:0, subject to changes discussed at the Board meeting. (Attachment 5 includes specific changes made by Board members)</li> </ul>	<u>David Benish:</u> Provide Clerk with copy after changes made.
21.	<b><u>CPA-2003-006. Rural Areas Comprehensive Plan Amendment.</u></b> <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>	<u>Clerk:</u> Schedule next work session on October 6 <sup>th</sup> agenda.
22.	Consideration of Policy Regarding Community Development Authorities (CDAs). <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>	
23.	Update on North Pointe Rezoning. <ul style="list-style-type: none"> <li>• <b>HELD</b></li> </ul>	
24.	From the Board: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> <li>• <b>VOTED</b> to send a letter to Kimberly Severson and her horse Winsome Adante “Dan” , Albemarle County residents, commending them on winning a Silver Medal at the Olympics.</li> </ul> <u>Ken Boyd:</u> <ul style="list-style-type: none"> <li>• Cannot attend the October 14<sup>th</sup> joint meeting of the Board and School Board.</li> <li>• Asked staff to include him on the mailing list for any plans for the Pantops area.</li> </ul>	<u>Clerk:</u> Prepare letter for Chairman’s signature.
25.	Adjourn to September 8, 2004 at 4:00 p.m. <ul style="list-style-type: none"> <li>• At 5:20 p.m., the meeting was adjourned.</li> </ul>	

/ewc

- Attachment 1 – Resolution – Allen Road (Route 666) Rural Rustic Paving
- Attachment 2 – Resolution of Intent to Amend Comp Plan – Stormwater Master Plan
- Attachment 3 – Tax Exemption Ordinance
- Attachment 4 – Conditions of Approval
- Attachment 5 – CPA-2004-03 Community Facilities Plan recommended changes to language

**RESOLUTION**

**WHEREAS**, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

**WHEREAS**, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

**WHEREAS**, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

**WHEREAS**, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

**WHEREAS**, this Board believes that the segment of Route 666 (Allen Road) between Route 664 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

**WHEREAS**, the road segment aforesaid is in the Board's six year plan for improvements to its secondary system of state highways:

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road.

**BE IT FURTHER RESOLVED**, this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state.

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

RESOLUTION

**WHEREAS**, Chapter 2 of the Comprehensive Plan, Natural Resources and Cultural Assets, has a section on stormwater management;

**WHEREAS**, stormwater management is a critical quality of life, public health and safety, and environmental issue in the Development Areas of Albemarle County due to existing and expected levels of development;

**WHEREAS**, the Board of Supervisors has a strategic goal to “develop and implement policies that address the County’s growth and urbanization while continuing to enhance the factors that contribute to the quality of life in the County”;

**WHEREAS**, a Stormwater Master Plan for the Development Areas has been completed with County and State funding to assess and prioritize streams, identify watershed projects, and identify funding options, and reports have been completed entitled “Stormwater Action Lists Report for Stormwater Management Master Plan” (January 2004) and “Stormwater Master Plan Funding Analysis” (April 2004);

**WHEREAS**, the Board of Supervisors held work sessions on the Stormwater Master Plan on April 7, May 5, and July 14, 2004;

**NOW, THEREFORE, BE IT RESOLVED THAT** for the purposes of further implementing the Stormwater Master Plan, the Board of Supervisors hereby directs the Planning Commission to prepare an amendment to the Comprehensive Plan by amending Chapter 2, Natural Resources and Cultural Assets, that incorporates the Stormwater Master Plan into Chapter 2; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on this proposed amendment, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**ORDINANCE NO. 04-15(1)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, 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 15, Taxation, is hereby amended and reordained as follows:

**By Adding:**

Article XVI Property Exempted From Taxation  
Sec. 15-1601 Property exempt from taxation by classification  
Sec. 15-1602 Property exempt from taxation by designation

**CHAPTER 15. TAXATION**

**ARTICLE XVI. PROPERTY EXEMPTED FROM TAXATION**

**Sec. 15-1601 Property exempt from taxation by classification.**

- A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation:
1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.
  2. Buildings with land they actually occupy, and the furniture and furnishings therein owned by churches or religious bodies and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such building.
  3. Nonprofit private or public burying grounds or cemeteries.
  4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.
  5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by  onstick corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).
  6. Parks or playgrounds held by trustees for the perpetual use of the general public.
  7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
  8. Property of any nonprofit corporation organized to establish and maintain a museum.

- B. The real and personal property of an organization classified in *Virginia Code* §§ 58.1-3610 through 58.1-3622 and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified.
- C. Property which was exempt from taxation on December 31, 2002, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property at the time such property became entitled to exemption.
- D. Exemptions of property from taxation granted under this section on or after January 1, 2003 shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

**Sec. 15-1602 Property exempt from taxation by designation.**

Property not granted tax-exempt status prior to January 1, 2003 can be granted tax-exempt status by designation only by the adoption of an ordinance by the board of supervisors granting the exemption. The adoption of such an ordinance shall be pursuant to the provisions of Article 4.1, Chapter 36 of Title 58.1 of the Code of Virginia applicable to the exemption of property from taxation by designation.

**State law reference**—Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003, Va. Code § 58.1-3651; Va. Code § 58.1-3606.

**Pursuant to Enactment Clause 2 of Chapter 557 of the 2004 Acts of Assembly, this ordinance shall be effective as of January 1, 2003.**



CONDITIONS OF APPROVAL

**SP-2004-00021. Margaret Engle, Ballet School (Sign #30).** Request to allow priv Ballet School in accord w/Sec 22.2.2.6 of the Zoning Ord which allows for priv schools. TM 60, Ps 25A&25B contains approx 5.6 acs. Znd C1. Loc on Rt 250W (Ivy Rd), approx 1/10 mile W of intersec of Ivy Rd & Rt 29/Rt 250 Bypass. Samuel Miller Dist.

1. Maximum enrollment shall be twelve (12) students per class, with class start and end times staggered on minimum one-half (1/2) hour increments;
2. Hours of operation for the school shall be from 9:00 AM to 9:00 PM Monday thru Friday and 9:00 AM to Noon Saturday, provided that occasional school-related events may occur outside of these hours; and
3. A pedestrian path for public use shall be constructed along the Route 250 frontage as shown on the Concept Plan dated August 24, 2004 prepared by the County of Albemarle and based on the site map prepared by Muncaster Engineering dated July 29, 2003. The path shall be maintained by the property owner. The path shall be no less than five (5) feet in width, except where existing landscaping or utilities prevent the full five (5) feet width. Subsurface shall be four (4) to five (5) inches of crushed stone and the surface shall be asphalt, prime and seal, recycled pavement or any other alternative hard surface approved by the County Engineer. Upon request of the County, the owner shall convey an easement to the County granting public access upon the pedestrian path. This pedestrian path may be removed and the easement, if granted, may be released when a sidewalk is constructed within the Route 250 West right of way. Such path shall be constructed and available for public use or bonded prior to issuance of a Certificate of Occupancy for the Ballet School.

### CPA-2004-03. Community Facilities Plan

#### Under FIRE AND RESCUE SERVICES

##### Page 16

9. Timing for New Station Construction. Construction of a new station should be based on the number of calls emanating from the proposed service area for the new station. Based on the Insurance Service Office (ISO) standards, a new station ~~should be~~ may need to be constructed when 365 calls per year are received from the proposed service area for the new station and service objectives are not being met in that area.

##### Page 15

6. Pedestrian and Bicycle Access. Where appropriate, provide sidewalks, walkways, and/or trails to connect the station site to the neighborhood(s). Consider the need to program in the CIP necessary walkway improvements within a one-quarter mile radius of the site to provide adequate pedestrian linkages between the neighborhood and the facility, based on the community's potential usage of the station (meetings rooms, etc.). In addition, bicycle parking shall be provided. ~~The County should also program in the CIP necessary bike lane/paths within a ¼ mile radius of the site to provide adequate pedestrian linkages between the neighborhood and the library.~~

#### Under LIBRARY SERVICES

##### Page 17

Last year, the regional library circulated over 1.9 million items, or about 10.5 per capita. **Include the year in this statement**

##### Page 19

Delete second bullet under Item 3 as follows:

##### 3. Buildings.

- Most branch libraries will be full-service facilities with similar offerings.
- ~~• Minimum size for a branch library is 4,500 based on state standards.~~

##### Page 20

11. Pedestrian and Bicycle Access. Provide sidewalks, walkways, and/or trails to connect the library site to the neighborhood(s). The County should program in the CIP necessary walkway improvements within a one-quarter mile radius of the site to provide adequate pedestrian linkages between the neighborhood and the library. In addition, bicycle parking shall be provided. ~~The County should also program in the CIP necessary bike lane/paths within a ¼ mile radius of the site to provide adequate pedestrian linkages between the neighborhood and the library.~~

#### Under SCHOOLS

##### Page 22

Bicycle Facilities: Bicycle access and facilities (bike trails and racks) should be incorporated into the design of the school. The County should program in the CIP or the Six Year Secondary Road Construction Plan the necessary bike facilities improvements within a one-quarter mile radius of the site to provide adequate ~~pedestrian~~ linkages between the neighborhood and the school.