

**ACTIONS**  
**Board of Supervisors Meeting of June 1, 2005**

June 3, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 9:03 a.m. by the Vice-Chairman, Mr. Boyd. All BOS members except Mr. Rooker were present. Also present were Bob Tucker, Larry Davis and Debi Moyers.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Gary Grant mentioned the neighbors' concern with the noise issue on Route 29.</li> <li>• Marcia Joseph spoke about Route 795. Concerned that the County should decide which roads to pave in the rural areas and not a private citizen.</li> <li>• Debbie Donley stated she was opposed to the paving of Blenheim Road from the very beginning. Wanted Board to keep an open mind when considering finishing paving of Blenheim Road.</li> <li>• Bill Puso expressed appreciation to the Board regarding the completed work on Allen Road which was paved under the Rural Rustic Roads Program. Speaking on behalf of all the residents who use Allen Road, he stated they are very pleased with the result.</li> <li>• Laura Dollard spoke. Said she lives on Route 795 (the portion of road Mr. Sullivan wants to complete paving). Stated she is against having it paved by a private citizen.</li> <li>• Peter Kleeman said the Board should decline to act on Mr. Sullivan's offer to pave the remaining section of Route 795 until information can be provided to the citizens, and allow them to take part in the discussions.</li> </ul>	
<p>5a. Proclamation recognizing June as Homeownership Month.</p> <ul style="list-style-type: none"> <li>• Vice-Chairman <b>PRESENTED</b> proclamation to Paul Harper of the Housing Office.</li> </ul>	(Attachment 1)
<p>5b. Recognition of Crozet Master Plan by the Council on New Urbanism (CNU).</p> <ul style="list-style-type: none"> <li>• Vice-Chairman recognized Ken Schwartz of the Renaissance Planning Group, Warren Byrd of Nelson Byrd Woltz Landscape Architects, and Wayne Cilimberg, Department of Community Development for receiving the CNU's 2005 Charter Award.</li> </ul>	
<p>6.2 Lake Albemarle Child At Play sign (Westover Drive).</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution.</li> <li>• Ms. Thomas asked staff to see why Child At Play signs have disappeared on Owensville Road.</li> <li>• Mr. Wyant asked if the Board can get feedback</li> </ul>	<p><u>Clerk:</u> Forward signed resolution to Juan Wade to forward necessary paperwork to VDOT. (Attachment 2)</p>

	and prior notification on these requests.	
6.3	Resolution supporting rail service in Virginia. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution.</li> </ul>	<u>Clerk</u> : Forward resolution to appropriate individuals. (Attachment 3)
6.4	Revisions to Personnel Policies: P-05 "Criminal Convictions/Motor Vehicle Violations". <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution.</li> </ul>	<u>Clerk</u> : Forward signed resolution to Kimberly Suyes and copy County Attorney's Office. (Attachment 4)
6.5	Revisions to Personnel Policies: P-90 "Family and Medical Leave Act". <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached resolution.</li> </ul>	<u>Clerk</u> : Forward signed resolution to Kimberly Suyes and copy County Attorney's Office. (Attachment 5)
6.6	Thomas Jefferson HOME Consortium Allocation of FY 2005 Funds. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> staff's recommendation to designate AHIP and PHA as sub recipients for the administration of HOME funds with allocations as recommended by staff.</li> </ul>	<u>Ron White</u> : Proceed as directed.
6.7	Deferral Program for real estate taxes. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> staff's recommendation not to adopt locally at this time.</li> </ul>	<u>Richard Wiggans</u> : Information only.
6.8	Resolution of Intent to amend Comp Plan and Zoning Ordinance, re: Affordable Housing. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution of Intent to Amend the Albemarle County Zoning Ordinance and Albemarle County's Comprehensive Plan.</li> </ul>	<u>Clerk</u> : Forward copy of adopted resolutions to Planning Department, County Attorney's office, and Ron White. (Attachment 6)
6.9	Set public hearing on an ordinance to amend Chapter 10, Offenses-Miscellaneous, of the Albemarle County Code, to prohibit certain activities on public roadways and medians. <ul style="list-style-type: none"> <li>• <b>SET</b> public hearing for July 6, 2005.</li> </ul>	<u>Clerk</u> : Advertise and schedule on July 6, 2005 agenda.
7.	Board to Board Presentation, School Board Chairman. <ul style="list-style-type: none"> <li>• <b>RECEIVED</b> from Gordon Walker. Mr. Dorrier asked about sister school in El Salvador that Monticello High School has adopted and what the plans are. Mr. Walker said he will provide an update to the Board.</li> </ul>	<u>Clerk</u> : Forward comments to Superintendent Castner.
8a.	Update on status of Rural Rustic Roads projects. <ul style="list-style-type: none"> <li>• Ms. Thomas asked if Heards Mountain Road was next on the Rural Rustic Roads projects. Mr. Utterback stated he has asked VDOT staff to contact the residency in Nelson County to see what their plans are on completing their half of the road. He said Albemarle County is tied to what Nelson County is doing. He will find out where it is scheduled in Nelson County's program.</li> <li>• Mr. Boyd wanted to know if VDOT comes in under budget with Gilbert Station Road which is paved up to Doctors Crossing, could they do another 4/10ths of a mile to take the paving up to Ashlee subdivision. Mr. Utterback said VDOT is doing the job with state forces and Code of Virginia does not allow them to go over \$300,000 on a project. He stated this project is close to that budget. He has asked staff to update the estimate and should get feedback by the end of the week.</li> <li>• Mr. Boyd asked if there are any additional funds</li> </ul>	<u>Clerk</u> : Forward comments to VDOT.

<p>available this year to accelerate other projects. Mr. Utterback suggested seeing how the first two projects go and then look at the financial position.</p>	
<p>8b. Update on Route 795 (Blenheim Road) Improvements.</p> <ul style="list-style-type: none"> <li>• Jim Utterback updated the Board on Route 795 improvements.</li> <li>• Mark Graham asked if the Board would like staff to bring back a resolution at next week's meeting to pave the additional 200 yards between Mr. Pleasant Farm and Route 713. <b>CONSENSUS</b> of the Board not to bring back a resolution.</li> <li>• Mr. Wyant brought up erosion control and wanted to know what the County's responsibility and VDOT's responsibility were. He has heard concerns and wants to make sure everyone is in compliance. Mr. Utterback said he has asked the inspector to take a look at.</li> </ul>	<p><u>Clerk:</u> Forward comments to VDOT.</p>
<p>8c. Transportation Matters not Listed on the Agenda. <u>Jim Utterback:</u></p> <ul style="list-style-type: none"> <li>• Provided an update on the signal at the Route 743/606 intersection. Mr. Bowerman said there has been some concern raised that signalization there will just cause more traffic on Route 743. He asked if the County can recapture any of the money from the temporary situation. Mr. Utterback stated some of the cost would be recovered, but not all of it. Mr. Bowerman wanted to know if equipment can be purchased in mind of being able to reuse it. Mr. Utterback said he will follow-up on that.</li> <li>• Updated Board on state identified County bridge projects.</li> <li>• Summarized County maintenance work.</li> <li>• Traffic Engineering has reviewed the request for "dangerous curve" signage on Buck Mountain Road. They have recommended a change in the sign scheme. They have also recommended a dashed edge line to come around the curve to help guide motorists.</li> <li>• VDOT has completed its review of Old Trail Bridge.</li> <li>• There is a meeting planned next week with the County, developer and VDOT on the Mosby Mountain Bridge to try and get that to resolution.</li> <li>• Regarding Via Lane, VDOT is trying to verify the location of the End of State Maintenance sign.</li> </ul> <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> <li>• Mentioned badly deteriorated private sewer line at McCauley Street. Asked County staff to look into to see what can be done.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Thanked Mr. Utterback for the ride arounds. Stated they have been valuable.</li> </ul>	<p><u>Clerk:</u> Forward comments to VDOT.</p>

<ul style="list-style-type: none"> <li>Tilman Road intersection with Route 250, people are still fearful of intersection, even with blinking light and larger yellow signs. It is still hard to get on Route 250 from Tilman in either direction. She asked if signs could be more official, white instead of advisory yellow. Mr. Utterback said he would follow up with his Traffic Engineer.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>He has been requested by the Senior Center to install a directional sign on Route 29 and Greenbrier Drive indicating how to get to the Senior Center. The Senior Center has offered to pay for the sign. Mr. Utterback said he will follow-up with outdoor advertising. Will update at next Board meeting.</li> </ul> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>Said he also appreciated the ride around in the Scottsville District.</li> </ul>	
<p>9. Overview of Sheriff's Department, Sheriff Robb.</p> <ul style="list-style-type: none"> <li><b>PROVIDED</b> update on the Sheriff's office.</li> </ul>	
<p>10. Update by PEC, Rex Linville.</p> <ul style="list-style-type: none"> <li><b>PROVIDED</b> update on Covesville Rural Historic District, conservation successes in 2004, and emerging State and Federal level issues.</li> </ul>	
<ul style="list-style-type: none"> <li>The Board recessed at 10:45 a.m. and reconvened at 10:58 a.m.</li> </ul>	
<p>11a. Emergency Medical Services to the Southern Rural Area.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b>, by a vote of 5:0, staff's recommendation to place 3 additional fire fighter/ALS first response personnel at Monticello Fire/Rescue station and to change the dispatch protocol policy.</li> </ul>	<p><u>Dan Eggleston:</u> Proceed as directed.</p>
<p>11b. Outstanding Budget issues.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b>, by a vote of 5:0, a one time funding allocation of \$10,000 to Save the Fireworks organization for FY 05/06.</li> <li><b>APPROVED</b>, by a vote of 5:0, to forgive the East Rivanna Volunteer Fire Department loan debt.</li> <li><b>APPROVED</b>, by a vote of 5:0, to implement the Public Safety Reclassification study July 1, 2005.</li> </ul>	<p><u>Melvin Breeden:</u> Proceed with budget amendment and appropriation request to be scheduled on July, 2005 agenda.</p>
<p>12. Strategic Plan Quarterly Progress Report.</p> <ul style="list-style-type: none"> <li><b>RECEIVED</b> for information.</li> </ul>	
<p>13. Discussion: Community Development Update and Process Improvement.</p> <ul style="list-style-type: none"> <li><b>DISCUSSED. CONSENSUS</b> of the Board to have staff bring back further information on mechanism on deferrals, the Planning Commission's involvement in the ministerial reviews, defining the expectations at the start of projects, assuring the County has public involvement in the participation process, and the County's proffer policy.</li> </ul>	<p><u>Mark Graham:</u> Proceed as directed.</p>
<p>14. Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>At 12:37 p.m., the Board went into closed</li> </ul>	

	<p>session to consider appointments to boards, committees, and commissions; to consult with legal counsel and staff regarding legal issues concerning an interjurisdictional agreement; and to consult with legal counsel and staff regarding legal issues concerning the collection of taxes.</p>
<p>15. Certified Close Session.</p> <ul style="list-style-type: none"> <li>At 2:03 p.m., the Board reconvened into open session and certified the closed session.</li> </ul>	
<p>16a. Appointments.</p> <ul style="list-style-type: none"> <li><b>REAPPOINTED</b> Bryan Elliott to Charlottesville/Albemarle Convention &amp; Visitors Bureau Management Board with said term to expire June 30, 2007.</li> <li><b>REAPPOINTED</b> Madison Cummings to Commission on Children and Families with said term to expire June 30, 2008.</li> <li><b>REAPPOINTED</b> Donna Plasket to Piedmont Virginia Community College Board with said term to expire June 30, 2009.</li> <li><b>REAPPOINTED</b> Roxanne White to Region Ten Community Services Board with said term to expire June 30, 2008.</li> <li><b>REAPPOINTED</b> Paul Sisk to Workforce Investment Board with said term to expire June 30, 2008.</li> <li><b>APPOINTED</b> Phil James to Blue Ridge Committee for Shenandoah Park Relations.</li> <li><b>APPOINTED</b> Brian Bills as Youth Representative for Commission on Children and Families with said term to expire June 30, 2006.</li> </ul>	<p><u>Clerk:</u> Prepare reappointment/appointment letters, update Boards and Commissions book and notify appropriate persons.</p>
<p>16b. Proposed Term Limits.</p> <ul style="list-style-type: none"> <li>No action.</li> </ul>	
<p>17. 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 board of supervisor members by 4.4% effective July 1, 2005 from \$12,467.00 per annum to \$13,016.00 annum.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the ordinance, by a vote of 5:0.</li> </ul>	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's Office for inclusion in next update of County Code. Fill out Employee Action Requests and send to Human Resources and copy Payroll. (Attachment 7)</p>
<p>18. An Ordinance to amend section 15-1400, Enhanced emergency telephone service tax – Levy and rate; effective date; exemptions, of the Albemarle County Code, to increase the monthly Emergency-911 fee from two dollars (\$2.00) to three dollars (\$3.00) for each access line, as authorized by Virginia Code Section 58.1-3813.1. The ordinance would also specify that amounts collected can be used to pay for costs incurred in training dispatchers and direct call-takers, as authorized by Virginia Code Section 58.1-3813.1(F).</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the ordinance, by a vote of 5:0.</li> </ul>	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's Office for inclusion in next update of County Code. Copy OMB/Finance. (Attachment 8)</p>
<p>19. Thomas Jefferson Planning District Regional Hazardous Mitigation Plan.</p> <ul style="list-style-type: none"> <li>Ms. Thomas asked that the addendum</li> </ul>	

<p>submitted May 6, 2005 for the Action Item: "Create an Emergency Action Plan for the Upper Ragged Mountain Dam" be eliminated or modify the language. Mr. Tucker asked the Board to give Mr. Wanner/TJPDC's staff flexibility on the proper wording to include in the plan.</p> <ul style="list-style-type: none"> <li>• <b>HELD</b> public hearing.</li> <li>• <b>APPROVED</b>, by a vote of 5:0, the TJPDC Regional Hazardous Mitigation Plan.</li> </ul>	
<p>20. SP-2005-003. Footnotes Dance Studio (Signs #71&amp;72).</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2005-003, by a vote of 5:0, subject to the two conditions as recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>21. SP-2005-005. PetsMart (Sign #35).</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2005-005, by a vote of 5:0, subject to the two conditions as recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>22. SP-2004-051. Free Union Church of the Brethren (Sign #36).</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-051, by a vote of 5:0, subject to the five conditions as recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>23. From the Board: Matters Not Listed on the Agenda. <u>David Wyant:</u></p> <ul style="list-style-type: none"> <li>• Asked about status of water option issues. Ms. Thomas said the Chair, Mayor, County Executive, City Manager, some staff and the consultants for Rivanna have been meeting and are getting something prepared for the pre-application meeting with the regulators.</li> <li>• Said he prefers one day meeting, during the week, for the Board of Supervisors retreat rather than a split. The remaining four Board members agreed with Mr. Wyant.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Would like an accounting of the grants received for homeland security.</li> <li>• Asked staff to bring a Resolution of Intent to the July 6<sup>th</sup> Board meeting to consider changing contractors office and equipment storage yard from by right use in LI Zoning district to Special Use Permit.</li> <li>• Updated Board on Mountain Overlay District. Working on and agree on 3 issues: strengthening environmental protection for the mountains, making sure that development that does take place in the mountain district will be only in the form of clustering, and preserving the mountain overlay district through voluntary measures and encouraging that in any way they can.</li> <li>• Represented the Board at a seminar that was held by VML and VACO on the potential impacts of the two property tax relief proposals in Virginia put forth by the gubernatorial candidates. Will send an email to Board</li> </ul>	<p><u>Lori Allshouse:</u> Proceed as directed.</p> <p><u>OMB:</u> Proceed as directed.</p> <p><u>Mark Graham:</u> Proceed as directed. <u>Clerk:</u> Schedule on July 6<sup>th</sup> agenda</p>

<p>members when it is on VML's webpage.</p> <ul style="list-style-type: none"> <li>• Asked that food donation given to Board by Gary Grant be given to Social Services Department to be used for clients as appropriate.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>• Wanted to know if the County was going to participate in the on-line survey system across the state regarding compensation. Mr. Davis stated the County has done this informally for a number of years.</li> </ul>	<p><u>Clerk:</u> Notify and forward donation to Social Services Department.</p>
<p>24. Adjourn.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 3:05 p.m.</li> </ul>	

/djm

Attachment 1 – Proclamation recognizing June as Homeownership Month

Attachment 2 – Lake Albemarle Child At Play sign (Westover Drive)

Attachment 3 – Resolution supporting rail service in Virginia

Attachment 4 – Resolution approving proposed changes to Personnel Policy P-05

Attachment 5 – Resolution approving proposed changes to Personnel Policy P-90

Attachment 6 – Resolution of Intent to Amend the Albemarle County Zoning Ordinance and Albemarle County's Comprehensive Plan.

Attachment 7 – Ordinance to Amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of Board of Supervisors

Attachment 8 – Ordinance to Amend Section 15-1400, Enhanced emergency telephone service tax – levy and rate

Attachment 9 – Conditions of Approval for Planning Items

**HOMEOWNERSHIP MONTH**

**WHEREAS,** *the month of June has been proclaimed as **National Homeownership Month** in an effort to focus on benefits of homeownership and to increase homeownership; and*

**WHEREAS,** *the County of Albemarle recognizes homeownership as an important part of strong communities; and*

**WHEREAS,** *owning a home allows people the best opportunity to build wealth through asset appreciation and provide a stable living environment for their families; and*

**WHEREAS,** *the County of Albemarle is supporting homeownership for those working families desiring to purchase their first home by providing homebuyer counseling, supporting HOMEBUYER CLUBS, and providing direct financial homebuyer assistance; and*

**WHEREAS,** *the County's HOMEBUYER CLUBS reached a milestone in 2004 with the 100<sup>th</sup> family purchasing their first home;*

**NOW, THEREFORE, BE IT RESOLVED** *that I, Kenneth C. Boyd, Vice-Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim and recognize the significance of*

**June, 2005**

**as**

**HOMEOWNERSHIP MONTH**

*in Albemarle County, Virginia.*



**RESOLUTION TO AUTHORIZE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL CHILD AT PLAY SIGN ON  
WESTOVER DRIVE**

**WHEREAS**, the residents of Westover Drive in the Lake Albemarle subdivision are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the subdivision; and

**WHEREAS**, there are numerous children that live and play on Westover Drive and the residents believe that a “Child at Play” sign would help alleviate some of the concerns.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby supports the community’s requests for VDOT to install the necessary “Child at Play” signs on Westover Drive (Route 1701).

## RESOLUTION

**WHEREAS**, the Board of County Supervisors of Albemarle County, Virginia, support the appeals of Virginia citizens, Governor Mark Warner, and his predecessor Governor Jim Gilmore, with overwhelming support from the Virginia General Assembly during the 2005 and 2000 Sessions, respectively, have clearly and decisively placed the Commonwealth of Virginia in a leadership position, with meaningful funding support, in pursuit of a more fully-developed intercity rail network for the movement of both people and goods; and

**WHEREAS**, Virginia and other states, notably neighboring North Carolina, recognize that a national rail network is essential to the ultimate success of rail development to augment and relieve other modes of transportation currently under stress. No single state can do it alone; and

**WHEREAS**, Virginia lacks a Federal partner, without which the intercity rail development hopes and aspirations of the Commonwealth cannot be achieved; and

**WHEREAS**, the current Amtrak restructuring initiative of the Bush Administration, as articulated by U.S. Secretary of Transportation Norman Y. Mineta, represents both an opportunity as well as a serious risk to the interests and long-term objectives of the Commonwealth of Virginia, its business and commercial interests, and our citizens; and

**WHEREAS**, the risk is that much of what we have in place today might be lost in an overly-simplistic approach to the “purging” of Amtrak. The National Railroad Passenger Corp. (Amtrak) represents but a very thin veneer concealing much deeper and more fundamental problems that adversely affect the viability and handling capacity of the U.S. rail network – both freight and passenger; and

**WHEREAS**, the deteriorating rail situation in the U.S. has spiraled downward for more than fifty years. It would be unrealistic to expect to correct it overnight. It cannot be fixed without MORE, rather than less, public funding at the Federal level; and

**WHEREAS**, a goal of the United Jefferson Area Mobility Plan (UnJam 2025), which combines the Charlottesville-Albemarle Regional Transportation (CHART) Plan for the Metropolitan Planning Organization area with the Rural Area Transportation Long Range Plan, is to improve regional rail service and support the movement of passenger service where possible; and

**WHEREAS**, the UnJam recommends increased passenger rail service for both local and regional commuter and intra/interstate travel options; and

**WHEREAS**, the UnJam recommends improved headways for freight to clear up time for passenger service, regular and consistent time slots for passenger service and improved technology so that freight and people can better coexist on the same railway;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, hereby seek your leadership in formulating a multi-year, phased solution; a solution that is transformative rather than one that is precipitous and punitive. We urge you to protect the passenger rail infrastructure and services that we now have in place in Virginia, and to complement such transitional efforts with a well-conceived Federal program that, like Federal support for highways, ports and aviation, enhances and promotes rail transportation in partnership with the Commonwealth of Virginia and its privately-owned railroads.

## RESOLUTION

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

**WHEREAS**, current provisions in the Personnel Policy Manual addressing the effect of an applicant's or employee's arrest or criminal conviction are outdated and in need of revision to permit Human Resources and other departments to take appropriate action in such cases in the best interests of the County, its employees and citizens; and

**WHEREAS**, the proposed provisions reflect the need of the County to properly consider the effect of an arrest or criminal conviction on an applicant's or employee's continued suitability for County employment.

**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 sections of the County of Albemarle Personnel Policy Manual:

**By Amending:**

Section P-05 Criminal Convictions/Motor Vehicle Violations Policy

**Section P-05** Effect of Criminal Conviction or Arrest

It is the policy of the Board not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or may face disciplinary action, up to and including termination. Individuals applying for employment with Albemarle County for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be verified by work history, personal reference or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the County will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought. If an applicant makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

In the event that any employee, whether full-time or part-time, probationary or nonprobationary, is arrested for a criminal violation of any kind, whether misdemeanor or felony, he is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination. In addition, all employees shall have the continuing duty to notify the County of any arrest or criminal conviction that occurs subsequent to being hired by the County.

Supervisors or department heads shall contact the Human Resources Director or designee upon receiving notification that an employee has been arrested. The County reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the arrest.

Applicants for all County positions shall be informed that they will be required, as a condition of employment, to sign a statement authorizing Albemarle County to have both a criminal history background check and a motor vehicle violation investigation performed. As permitted by law, the County is authorized to consider any criminal conviction history or motor vehicle violations in determining whether to make an offer of employment to the applicant, and shall retain sole discretion to determine whether

prior criminal history or motor vehicle violations shall disqualify an applicant from further consideration for County employment.

The information collected shall be privileged, confidential and used only in determining the candidate's qualifications for employment and assignment.

If an applicant for employment with Albemarle County should refuse to permit a criminal history record search, that applicant will be removed from further employment consideration and informed accordingly. Applicants who omit criminal convictions from their application may be denied employment for falsification of the application, and, if hired, may be subject to disciplinary action, up to and including immediate dismissal for withholding such information on the application. A new application may be filed after three (3) calendar years provided the person at that time lists his convictions. An authorization for Albemarle County to conduct a criminal conviction/motor vehicle violation investigation and its satisfactory outcome are conditions of employment. Once the County has reviewed an applicant's criminal history record and has made an administrative determination concerning employment suitability, the record will be retained in a file separate from the official personnel file. If a criminal record is obtained that would prohibit employment under Albemarle County policy, the applicant/employee will be so informed and his application for employment removed from consideration and/or the employee will be subject to termination. If the response indicates a conviction(s), the Director of Human Resources will review the response. The County shall have the sole discretion to determine whether any convictions or violations are related to the duties of the position for which application is made or whether they affect the fitness of the applicant to work for the County. Except as directed by court order or as otherwise required or permitted by law, conviction information received by Albemarle County as part of the employment process will not be disseminated to any third party not directly involved in the hiring process.

Amended: August 4, 1993

Legal Reference: Code of Virginia, 1950, as amended, Chapter 23, Sec. 19.2-389 (7)

**RESOLUTION**

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

**WHEREAS**, the Board finds that an amendment to Personnel Policy P-90 is necessary to clarify policies relating to paid leave and the Family and Medical Leave;

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

**By Amending:**

Section P-90 Family and Medical Leave Act, Supplemental Leave

**Section P-90 FAMILY AND MEDICAL LEAVE ACT - Supplemental Leave**

**A. Purpose of Policy**

This policy is written to assist the Albemarle County Local Government in complying with the federal Family and Medical Leave Act of 1993. This policy seeks to balance the needs of the employer with the needs of its employees and their families.

**B. Definitions**

Child:	Includes biological, adopted, foster, step, or legal ward child for whom the employee acts in a parental role, providing care and financial support. The child must be under age 18, unless he/she is incapable of self-care due to mental or physical disability.
Eligible Employee:	An eligible employee: 1) Has been employed at least one year; 2) Has worked at least 1250 hours during the 12 months immediately preceding the proposed leave; 3) Has not used all available Family Medical Leave (FML) in the previous rolling year; and 4) Meets the conditions of the FMLA.
Family:	Family is defined as the employee's spouse, children, and parents.
Health Care Provider:	A licensed doctor of medicine or osteopathy or any other person determined by the U.S. Secretary of Labor to be capable of providing health care service.
Parent:	Biological parents as well as any others who have acted in the place of a parent to the employee.
Serious Health Condition:	A physical or mental illness or an injury requiring inpatient care at a medical facility or continued treatment by a health-care provider that causes the employee to be absent from work on a recurring basis or for more than three full days.
Job-Protected:	The employee is guaranteed the right to return to his former position or to an equivalent position.
Week:	A week is defined as the annual authorized regular hours of the employee's position, divided by 52.

## **C. Conditions of Leave**

### **1. General Information**

The Family and Medical Leave Act (FMLA) provides up to 12 workweeks of unpaid job-protected leave per year to eligible employees for one or more of the following qualifying events:

- 1) The birth and first-year care of the employee's newborn child;
- 2) Placement of a child with the employee for adoption, or by the State for foster care;
- 3) To care for the employee's spouse, child or parent with a serious health condition (this does not include in-laws); and
- 4) The employee's own serious health condition.

### **2. Notification Requirements**

When the need for leave under FMLA is foreseeable, as in the case of the expected birth, adoption or foster care placement of a child or planned medical treatment for a serious health condition of the employee or a family member, the employee is required to provide at least 30 days advance notice to his supervisor either verbally or in writing. In the event that it is not practicable to give such advance notice, due to a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee should give as much advance notice as is practicable, ordinarily within one or two business days of when he learns of the need for the leave.

The administrative process will be initiated by the employee submitting an FMLA Request Form, which is available from the Human Resources Department. If the reason for leave involves a serious health condition of either the employee or the employee's family member, the employee will be given a Certification of Health Care Provider form that must be completed by the patient's physician and returned to HR within 15 calendar days. Employees granted leave under FMLA will receive a Notice of Employee Obligations under FMLA outlining conditions governing the leave.

If an employee does not notify his supervisor that he requests FML, but the supervisor has reason to believe that a leave request would meet the guidelines covered under the Act, the supervisor should contact Human Resources, which will then provide the employee with information regarding the FMLA. If an employee is eligible for FML, then the leave time will be counted against FML.

### **3. Both Parents Working for the County**

In cases where both parents are County employees, they may take a combined total of 12 weeks of FML for birth, adoption, and foster care placement. They may each take 12 weeks for their own illness or that of their spouse, child or parent.

### **4. Covered Time Period**

Eligible employees may take up to 12 weeks of leave during a rolling 12-month period. This is defined as the 12-month period measured forward from the date an employee's first FML begins.

### **5. Intermittent or Reduced Leave**

While most family and medical leave occurrences will necessitate leave to be taken in a single block of several weeks, the employee may request "intermittent" leave or "reduced leave schedule" to care for a seriously ill family member or for the employee's own serious health condition where the need for leave is foreseeable and based on planned medical treatment. In the case of the need for a reduced leave schedule or intermittent use of leave, a certification of medical necessity is required from the health care provider and an appropriate work schedule should be planned in advance with the supervisor, when possible. An employee may take reduced leave for the birth, adoption or foster care placement of a son or daughter only if the employee and employer agree to such an arrangement.

If the employee requests intermittent leave or reduced leave schedule, the County may temporarily

transfer the employee to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

#### **D. Medical Certification Requirements**

When the necessity for FML exists due to the employee's own serious health condition or the serious health condition of a spouse, parent, or child, certification of the condition and a statement of the need for leave are required from the health care provider(s), using the Certification of Health Care Provider form provided by Human Resources. If the employee fails to provide the requested information to the designated HR Specialist within 15 calendar days of receipt of the form, the leave may not be job-protected under the FMLA.

The County may require a second opinion by a health care provider of its choice, and at its expense. If the two opinions differ, a third opinion may be requested from a provider selected jointly by the employee and the County. This third opinion, to be paid for by the County, is final and binding. It is the employee's responsibility to maintain up-to-date medical status while on FML.

The County may also require periodic reports from the employee as to the employee's status and intent to return to work.

#### **E. Substitution of Paid Leave**

The FMLA provides for a maximum of 12 weeks of unpaid leave. If the FML is due to the employee's own medical condition, the employee will first be compensated using any accrued sick leave and sick bank benefits, as applicable. Time will be charged concurrently against these paid types of leave and FML for a period of up to 12 weeks.

If the FML is due to the illness of an employee's spouse, parent, or child, the employee will first be compensated using accrued sick leave. (Employees are not eligible for sick bank benefits in these circumstances.) Time will be charged concurrently against the available accrued sick leave and FML for a period of up to 12 weeks.

The remainder, if any, of the leave requested will be charged against accrued annual leave and compensatory leave prior to the employee going on unpaid leave, except that the employee may save one (1) week of annual leave for use at a later time. Employees should check with HR to determine what types of leave will run concurrently with their FML. The type of leave taken must be in compliance with the provisions of the applicable leave policy found in this manual.

Time missed during worker's compensation related injuries, which otherwise meet the requirements of the FMLA, may run concurrently with FML.

#### **F. Benefits**

##### **1. Insurance Continuation Privileges**

Employees on unpaid leave that is designated as FML will continue to receive their employer portion of the medical and dental insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during this 12-week period. Employees must remit the necessary premium for the employee portion to cover themselves and eligible dependents. As in the case of any unpaid leave of absence, the employee must make arrangements to pay applicable medical, dental, and life insurance premiums.

##### **2. Other Employee Benefits**

In all cases where an employee is using some form of approved, accrued leave such as annual leave, compensatory leave, sick leave, or sick bank, all employee benefits continue as long as the employee remains on the payroll through the use of such leave time. If unpaid leave is taken, employee

benefits other than health, dental and life insurance are discontinued for the duration of the unpaid leave status as follows:

- a) The accrual of annual or sick leave is discontinued after ten (10) days of unpaid leave and for the duration of the unpaid leave status.
- b) The Virginia Retirement System (VRS) contribution is based on a percent of the employee's income. No contribution is made for periods of unpaid leave. Upon returning to work, the employee may be eligible to purchase the lost service with VRS, if the leave is necessitated by birth or adoption, as defined by VRS policies.

## **G. Returning from FML**

### **1. Medical form**

An employee returning from FML due to his own serious health condition must submit a statement on the required form to Human Resources, from his attending physician, indicating the employee is physically and mentally capable of returning to work.

### **2. Restoration to Position**

When an eligible employee is released to return to work following FML, he will be restored to the position held at the time the leave began or to an equivalent position with equivalent benefits, compensation and other terms and conditions of employment. Any issues regarding equivalency should be reviewed with Human Resources. In order to be guaranteed restoration, the employee must return to work at or before the end of the 12-week family leave period. If an employee would have been laid off had he not been on FML, any right to reinstatement would be whatever it would have been had the employee not been on FML.

Certain "key" employees may be denied job restoration. A "key" employee is defined as a salaried FMLA-eligible employee who is among the highest paid 10 percent of all County employees. A key employee will be notified as soon as practicable after receipt of a request for FML that he is considered to be a key employee.

Employees on unpaid FML are not eligible for any unemployment benefits.

## **H. Record Keeping and Anti-Retaliation**

The Director of Human Resources shall maintain records necessary to demonstrate compliance with the Act. The Act requires also that no employee be subject to any penalty for seeking rights under the Act or for testifying for or otherwise helping other employees seek rights under the Act.

## **I. Adoption of Policy**

This Section P-90 of the Personnel Manual was adopted and is intended to fully implement the Act, subject to the penalties prescribed in the Act.

Any variation between this policy and the Family and Medical Leave Act will be determined in favor of the Act.

Adopted: September 1, 1993

Legal Ref.: Family and Medical Leave Act – Public Law 103-3, 1993



**RESOLUTION OF INTENT**

**WHEREAS**, there is a shortage of affordable housing in Albemarle County; and

**WHEREAS**, in order to establish meaningful strategies to address the shortage of affordable housing, the Albemarle County Comprehensive Plan (the "Comprehensive Plan") recommends that the existing density bonus program available in the residential zoning districts be examined to determine why the program has not been significantly used; and

**WHEREAS**, a County study found that the existing density bonus program has not been significantly used because few, if any, development proposals seek more residential density than would be allowed by right, a developer seeking the 30% density bonus under the program would have to provide all of the bonus dwelling units as affordable housing, and the current regulations do not preserve the affordability of the units; and

**WHEREAS**, it is desired to amend the Albemarle County Zoning Ordinance to encourage affordable housing by providing revised density bonuses when affordable housing is proposed, and to make other changes that would encourage developers to participate in the density bonus program.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend section 2.4, entitled "Intent of the Bonus Factor Provisions," sections 12.4.3, 13.4.3, 14.4.3, 15.4.3, 16.4.3, 17.4.3 and 18.4.3, each entitled "Low and Moderate Cost Housing," and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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

\* \* \* \* \*

**RESOLUTION OF INTENT**

**WHEREAS**, there is a shortage of affordable housing in Albemarle County; and

**WHEREAS**, setting specific targets for the development of affordable dwelling units is one of the strategies identified in the Albemarle County Comprehensive Plan (the "Comprehensive Plan") to provide affordable housing in Albemarle County; and

**WHEREAS**, the Comprehensive Plan currently states that, at a minimum, 15% of all dwelling units developed under a rezoning or a special use permit should be affordable, or a comparable contribution should be made to achieve the County's affordable housing goals; and

**WHEREAS**, it is desired to amend the Comprehensive Plan to establish the basis for calculating the number of affordable dwelling units to be proffered based on the additional dwelling units allowed after the rezoning; and

**WHEREAS**, it is also desired to amend the Comprehensive Plan to establish a formula for calculating the cash or cash-equivalent proffers for a rezoning in lieu of proffering the recommended number of affordable dwelling units.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, good planning and land use practices and, in particular, to achieve Albemarle County's affordable housing goals, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Comprehensive Plan as described herein, and to make any other

changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein; and

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

**ORDINANCE NO. 05-2(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 thirteen thousand sixteen dollars (\$13,016.00) for each board member effective July 1, 2005. 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)

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

**This ordinance shall be effective on and after July 1, 2005.**

**ORDINANCE NO. 05-15(1)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XIV, ENHANCED EMERGENCY TELEPHONE SERVICE TAX--E-911, 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, Article XIV, Enhanced Emergency Telephone Service Tax—E-911, is hereby amended and reordained as follows:

**By Amending:**

Sec. 15-1400 Enhanced emergency telephone service tax—Levy and rate; effective date; exemptions

**CHAPTER 15. TAXATION**

**ARTICLE XIV. ENHANCED EMERGENCY TELEPHONE SERVICE TAX--E-911**

**Sec. 15-1400 Enhanced emergency telephone service tax--Levy and rate; effective date; exemptions.**

A. Pursuant to Virginia Code § 58.1-3813.1, there is hereby imposed a special tax on consumers of telephone service in the amount of three dollars (\$3.00) per month for each access line.

B. Amounts collected from this tax shall be used solely to pay for reasonable, direct recurring and nonrecurring capital costs, and operating expenses incurred by a public safety answering point in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call-takers of an E-911 system and costs incurred in training dispatchers and direct call-takers in receiving and dispatching emergency telephone calls, and the salary and fringe benefits of the public safety answering point director or coordinator so long as such person has no other duties other than the responsibility for the public safety answering point.

C. This tax shall not be imposed on federal, state or local government agencies or on consumers of CMRS, as such term is defined in Virginia Code § 56-484.12.

D. This tax shall apply to all bills rendered on and after November 1, 2005.

(Ord. of 2-6-91; Ord. No. 95-8(1), 7-12-95; Code 1988, § 8-59; Ord. 98-A(1), 8-5-98; Ord. 02-15(2), 4-17-02; Ord. 05-15(1), 6-1-05)

**This ordinance shall be effective on and after November 1, 2005.**

**SP-2005-003. Footnotes Dance Studio (Signs #71&72).** Request to allow private ballet school in accord w/Sec 23.2.2.6 of the Zoning Ord which allows for priv schools in the CO Dist. This request would amend SP-96-48, which permitted a priv dance school at this location. TM 61W P 1 B-2, contains .525 acs. Znd CO. Loc on W side of Commonwealth Dr (Rt 1315) at intersec of Commonwealth Dr & Westfield Road (Rt 1452). Rio Dist.

1. There shall be no technical or vocational schools which involve outdoor activities, such as construction and automotive repair, without approval of a separate special use permit; and
2. The school shall not operate after 10:00 p.m.

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**SP-2005-005. PetsMart (Sign #35).** Request to allow 2,500 sq ft of a 23,000 sq-ft retail bldg located in Hollymead Town Center for veterinary clinic, grooming facility & periodic pet adoption services in accord w/Sec(s) 25A.2.2-1, 22.2.2-5 & 24.2.2-4 of the Zoning Ord, which allows for veterinary office & hospital use in a PD-MC, C-1 & HC Dist(s). TM 32 P 43, contains 2,000 sq ft. Znd PD-MC & EC. Loc on W side of US Rt 29 N, approx 1/4 mile S of intersec w/Airport Rd & across from the Forest Lakes Shopping Center. Rio Dist.

1. The veterinary services (as shown on the concept plan entitled Major Siteplan Amendment for Hollymead Towncenter, Area B, Rio District, Albemarle County, Virginia prepared by Rivanna Engineering & Surveying, PLC. and dated December 6, 2004) located at Outparcel H shall be limited to not more than twenty-five hundred (2,500) square feet; and
2. There shall be no outside runs or kennels.

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**SP-2004-051. Free Union Church of the Brethren (Sign #36).** Request to allow expansion of existing church, Free Union Church of the Brethren, in accord w/Sec 10.2.2(35) of the Zoning Ord which allows for churches. TM 29, Ps 57, 58, & 59B, contains 2.5 acs. Znd RA. Loc at 4152 Free Union Rd (Rt 601), approx 1,000 ft S of its intersec w/Willington Rd (Rt 665). White Hall Dist.

1. The site shall be developed in general accord with the conceptual plan entitled "Free Union Church of the Brethren Concept Plan ," revised April 22, 2005, including the note relating to combining the parcels;
2. The area of assembly shall be limited to the existing ninety (90)-seat sanctuary;
3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. Construction of the proposed addition shall commence within four (4) years or this special use permit shall expire; and
5. The applicants shall secure a VDOT construction permit for the modified entrance from Route 601.