

ACTIONS

Board of Supervisors Meeting of July 6, 2005

July 8, 2005

<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 9:05 a.m. by the Chairman, Mr. Rooker. All BOS members, except Mr. Dorrier, were present. Also present were Bob Tucker, Larry Davis and Debi Moyers. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> John Martin, who lives in Free Union, spoke about the protection of the Chesapeake Bay. Given this community's commitment to the Chesapeake Bay, it seems to him, this would be the appropriate time for the Board to have staff consult with Rivanna and find out what Rivanna is voluntarily doing to reduce nutrient loads in the river and to see what additional things it can do voluntarily. Jamie Spence, with Church Hill Development and a member of the Affordable Housing Implementation Committee, spoke about housing issues. Neil Williamson, with the Free Enterprise Forum, spoke about workforce housing and housing prices in the area. He gave the Board a copy of a recently released Department of Housing and Urban Development Study that focused on the impacts and regulatory barriers on developing workforce and affordable housing. Jeff Werner, with Piedmont Environmental Council, spoke about affordable housing and the market place. 	<p><u>Clerk:</u> Forward comments to Tom Frederick of Rivanna.</p>
<p>5a. Recognition of EMS Personnel.</p> <ul style="list-style-type: none"> Chairman recognized the following personnel for May 19, 2005 emergency response: Captain David Puckett, FF/Medic John James, FF/EMT Quen Marchant, John Burruss, Paramedic, Duty Officer, Carrie Weber, Paramedic, Ashleigh Edwards, EMT/Shock Trauma Technician, Lisa Jensen, EMT, Steve Hull, EMT, Celeste Smelser, EMT Cardiac Technician, Debbie Wade, Lisa Fitzgerald, Officer Darrell Byers, Officer Michael Easton, Kara Conley, RN, Kristi Mann, RN and Ann Harris. 	
<p>5b. Introduction of Susan Stimart, Business Development Facilitator.</p> <ul style="list-style-type: none"> Mr. Tucker introduced Susan Stimart, the County's newly hired Business Development Facilitator. 	
<p>5c. Proclamation recognizing August 2 through August 7, 2005 as Albemarle County Fair Week.</p> <ul style="list-style-type: none"> Chairman PRESENTED proclamation to Lauren Hensley, Pre-Teen Miss Albemarle County Fair 2004. 	<p>(Attachment 1)</p>
<p>6.2 Advisory guidelines to VDOT for review of property</p>	<p><u>Juan Wade:</u> Forward guidelines to VDOT.</p>

	owner initiated and funded improvements to public roads. <ul style="list-style-type: none"> • APPROVED the guidelines and requested that staff forward them to VDOT for use with similar improvement projects in the future. 	(Attachment 2)
6.3	Authorize County Executive to sign Natural Heritage Data License. <ul style="list-style-type: none"> • AUTHORIZED County Executive to sign the Department of Conservation and Recreation Natural Heritage Program License on behalf of the County after it is modified to meet all legal requirements deemed necessary by the County Attorney. 	<u>County Attorney</u> : Provide Clerk with copy of signed document. (Attachment 3)
6.4	Authorize County Executive to sign Crozet Streetscape Enhancement Project Agreement. <ul style="list-style-type: none"> • AUTHORIZED County Executive to sign the agreement on behalf of the County after it has been approved as to form by the County Attorney with any necessary revisions. 	<u>County Attorney</u> : Provide Clerk with copy of signed document.
6.5	Resolution of Intent – Contractor’s Office and Equipment Storage Yard change from by-right use in LI zoning district to use by special use permit. <ul style="list-style-type: none"> • ADOPTED the attached Resolution of Intent to amend the Zoning Ordinance to change contractor’s office and equipment storage yard from a by-right use to a special use permit in the Light Industrial (LI) District. • Recommended regular Commission and Board public hearings be held. 	<u>Clerk</u> : Forward copy of adopted resolution to Planning Department and appropriate individuals, to proceed with proposed amendments for public hearing. (Attachment 4)
6.6	Resolution to accept road(s) in Hollymead Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk</u> : Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 5)
6.7	Resolution to accept road(s) in Boston Creek Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk</u> : Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 6)
6.8	FY 2005/06 Budget Issues – Sheriff’s Staffing. <ul style="list-style-type: none"> • APPROVED in FY 05/06 budget one additional deputy, including one-time start up costs, and a half-time clerical position, for a total cost of \$61,379. 	<u>OMB</u> : Notify Sheriff’s office of Board actions.
6.9	Revisions to Petty Cash Resolution. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk</u> : Forward adopted resolution to Finance, OMB and appropriate individuals. (Attachment 7)
6.10	Revisions to Personnel Policy P-02. <ul style="list-style-type: none"> • ADOPTED the attached resolution. • Ms. Thomas asked that a letter of appreciation be sent to the DSS employees who are continuing in their positions despite a pay cut. 	<u>Clerk</u> : Forward signed resolution to Kimberly Suyes and copy County Attorney’s office. <u>Roxanne White</u> : Draft letter and forward to Clerk. (Attachment 8)
6.11	Alberene Road (Route 719) Child At Play Sign Request. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk</u> : Forward signed resolution to Juan Wade to forward necessary paperwork to VDOT. (Attachment 9)
7a.	VDOT Rural Addition Policy – Eligibility to Participate. <ul style="list-style-type: none"> • DISCUSSED. CONSENSUS of the Board not to change the Subdivision Ordinance in order to maintain eligibility for the Rural Additions Program. 	<u>Mark Graham</u> : Notify VDOT of Board’s action.
7b.	Other Transportation Matters.	

Jim Utterback:

- Gave update on Rural Rustic Roads. Work on Allen Road is complete. Gilbert Station Road is 30 to 40 percent complete.
- Talked to residency engineer in Nelson County regarding Heards Mountain Road and they are planning to complete their portion of the road next year.
- No significant progress on Blenheim Road. Provided an update on the current status of work. Mr. Wyant asked about requiring bonding for such roads. Mr. Utterback said he would check into that.
- Provided update on the Route 743/606 signal at temporary location while construction is going on. Waiting on feedback from FAA.
- Stated VDOT is working with Richmond on the Six-Year Secondary Program. They are changing the software and the format used will be different this year. It will track estimates, expenditures, and program allocations similar to the new primary road program tracking system.

David Wyant:

- Asked about the status of the curve on Buck Mountain/Route 810. Mr. Utterback said VDOT is in the process of pavement markings and changing the sign configuration.
- Mentioned a drainage issue on Buck Mountain/St. George Avenue.
- In Claymont Subdivision, the surface treatment is one of the best he has seen. Asked how the pavement can be preserved. Concerned that it is already beginning to tear up.
- Asked if Mr. Utterback had heard of Ruckersville Parkway. Mr. Utterback responded he had not.

Sally Thomas:

- Said right-of-way for Dickerson Road is not entirely available. Mr. Cilimberg said that will be discussed during review of the Six-Year Plan.
- Asked if the speed limit signs could be more "official" at the Tillman Road intersection. Said no one is paying attention to "advisory" speed limit. Mr. Utterback said he talked with the traffic engineer yesterday and he is going to look at it again.
- Now that Allen Road is paved, she has received a request for a posted speed limit. Mr. Utterback said a speed study will be done to see what the proper speed should be.

Dennis Rooker:

- Asked about the Airport Road, September 2, 2005 completion date. Mr. Utterback said that is still the completion date. He added that \$4,820,177 is the amount awarded to the contractor. VDOT costs are added to that.
- When Garth Road and Earlysville Road are repaved, he asked that they be paved wider to accommodate bicyclists. Said it would be helpful if VDOT could look at the County's

<p>bicycle plan and try to widen the shoulders for roads that are on the bicycle plan.</p> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Wanted to know if Gilbert Station Road could be extended to Ashleigh, another 4/10ths of a mile. Mr. Utterback said “no” because of the budget and VDOT does not have any permitting to do the added project. • Asked if VDOT sent their traffic engineer out a second time to look at the Forest Lakes/CVS signal. Mr. Utterback said they did and no action was required. Will forward traffic engineer’s email to Mr. Boyd. • Asked status of Rocky Hollow Road request to lower speed limit. Mr. Utterback said they are still evaluating the request. 	
<p>8. Discussion: Temporary Signs.</p> <ul style="list-style-type: none"> • DISCUSSED. CONSENSUS of the Board not to change the temporary sign policy. 	
<p>9. Annual Real Estate Reassessment Update.</p> <ul style="list-style-type: none"> • DISCUSSED. APPROVED staff’s recommendation to proceed with implementing an annual reassessment beginning in 2007, effective 1/1/2008. CONSENSUS of the Board to take to public hearing. 	<p><u>Clerk:</u> Schedule public hearing for the Fall.</p>
<ul style="list-style-type: none"> • The Board recessed at 11:05 a.m. and reconvened at 11:19 a.m. 	
<p>10a. Proposed FY 2004-05 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED FY 2005 Budget Amendment in the amount of \$1,974,025.39. • APPROVED FY 2005 Appropriations #2005060, #2005061, and #2005062. 	<p><u>Clerk:</u> Forward signed appropriation forms to Richard Wiggans, OMB and copy appropriate individuals.</p>
<p>10b. Proposed FY 2005-06 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED FY 2006 Budget Amendment in the amount of \$3,565,334.00. • APPROVED FY 2006 Appropriations #2006001, #2006002, and #2006003, and #2006004. 	<p><u>Clerk:</u> Forward signed appropriation forms to Richard Wiggans, OMB and copy appropriate individuals.</p>
<p>11. Formation of Natural Heritage Committee (deferred from May 4, 2005).</p> <ul style="list-style-type: none"> • DISCUSSED. APPROVED, by a vote of 3:2, formation of the Natural Heritage Committee. • At this time, removed Task F from the recommended Charge and Outline of Tasks. 	<p><u>Clerk:</u> Forward copy to Scott Clark and advertise for applications. (Attachment 10)</p>
<p>12. Rural Area Comprehensive Plan Implementation.</p> <ul style="list-style-type: none"> • CONSENSUS of the Board to hold a joint meeting with the Planning Commission in September to address/discuss issues. 	<p><u>Clerk:</u> Schedule joint meeting with Planning Commission in September.</p>
<p>13. 2006 Legislative Priorities.</p> <ul style="list-style-type: none"> • DISCUSSED. APPROVED Proposed 2006 Legislative Priorities with additional language to Growth Management section under Land Use and Growth Management Priorities opposing legislation that would diminish the County’s land use powers. • Mr. Rooker brought up issue of cable franchise in Albemarle County. Thinks the County should move forward with Comcast and a cable franchise agreement. One benefit would be to provide cable access coverage of the Board 	<p><u>Andy Bowman:</u> Submit priorities to the TJPDC and VACo.</p> <p><u>Clerk:</u> Forward copy of prior discussion and information on this issue to the Board.</p>

	meetings.	
14.	<p>Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> At 12:12 p.m., the Board went into closed session to consider appointments to boards, committees, and commissions; to discuss with legal counsel and staff specific legal issues regarding pending litigation relating to the denial of a site plan; and to discuss with legal counsel and staff specific legal issues relating to the collection of taxes. 	
15.	<p>Certified Close Session.</p> <ul style="list-style-type: none"> At 2:12 p.m., the Board reconvened into open session and certified the closed session. 	
16a.	<p>Vacancies/Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED Ann Mallek and Stephen McLean to ACE Committee with said terms to expire August 1, 2008. REAPPOINTED John Chamales to Jail Authority with said term to expire August 6, 2008. REAPPOINTED Juan Wade and Clifford Buys to Jaunt Board with said terms to expire September 30, 2008. REAPPOINTED Caroline Taylor to Jordan Development Corporation with said term to expire August 13, 2006. REAPPOINTED Fred W. Shields, Jr. to Land Use Tax Advisory Board with said term to expire September 1, 2007. APPOINTED David Bynes to Commission on Children and Families with said term to expire June 30, 2008. 	<p><u>Clerk:</u> Prepare reappointment/appointment letters, update Boards and Commissions book and notify appropriate persons.</p>
17.	<p>To consider the adoption of an ordinance to amend Chapter 10, Offenses--Miscellaneous, of the Albemarle County Code to prohibit any person standing on any public roadway or center median from distributing material, soliciting contributions, or selling merchandise to the occupants of motor vehicles on public roadways.</p> <ul style="list-style-type: none"> ADOPTED the ordinance, by a vote of 5:0. Mr. Rooker suggested developing a sheet that lists the Social Service agencies in the area and contact information to hand out to individuals. 	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's Office for inclusion in next update of County Code and copy Police Department. (Attachment 11)</p>
18.	<p>SP-2005-007. The Garden Barn (Signs #28&29).</p> <ul style="list-style-type: none"> APPROVED SP-2005-007, by a vote of 5:0, subject to the three conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 12)</p>
19.	<p>SP-2005-009. Cedar Hill Mobile Home Park Re-approval of Special Use Permit to Expand Existing Mobile Home Park (Sign #32).</p> <ul style="list-style-type: none"> APPROVED SP-2005-009 (Reapproval of SP-03-06), by a vote of 5:0, subject to the four conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 12)</p>
20.	<p>Additions to the Moorman's River Agricultural/Forestral District</p> <ul style="list-style-type: none"> ADOPTED the ordinance, by a vote of 5:0. 	<p><u>Clerk:</u> Prepare letters to applicants for the Chairman's signature, thanking them for their participation. (Attachment 13)</p>
21.	<p>From the Board: Matters Not Listed on the Agenda. <u>Bob Tucker:</u></p>	

ALBEMARLE COUNTY FAIR WEEK

WHEREAS, *for the past 24 years, the Albemarle County Fair has entertained tens of thousands of guests during its annual production; and*

WHEREAS, *the Albemarle County Fair is unique in many ways and was founded by a group of community spirited people who wanted something special for their neighbors and friends to enjoy and enrich their lives;*

WHEREAS, *the theme of the Fair has always emphasized the County's agricultural and forestal heritage; and*

WHEREAS, *the Albemarle County Fair is a non-profit corporation operated by dedicated volunteers, officers and directors; and*

WHEREAS, *the Albemarle County Fair offers a friendly, safe atmosphere conducive to families and their children, and it is unique in the state in that all food and drink is sold by local non-profit organizations as an opportunity for them to raise monies for their worthwhile programs; and*

WHEREAS, *the Albemarle County Fair supports agricultural and rural lifestyles, offers exhibits of home-art skills, crops, large livestock, small livestock and poultry, holds competitions in livestock and numerous other farm skills, and presents nightly entertainment for all to enjoy;*

NOW, THEREFORE, I, Dennis S. Rooker, Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim the week of

AUGUST 2, 2005 THROUGH AUGUST 7, 2005

as

ALBEMARLE COUNTY FAIR WEEK

and urge all citizens to actively participate in the scheduled activities and programs sponsored and supported by the more than 250 regional volunteers, public and area businesses.

ATTACHMENT 2

Guidelines to be used by VDoT to process requests by property owners for major improvements within VDoT rights of way, including the realignment/relocation of roads and the paving of unpaved roads.

1. VDoT shall contact the Albemarle County Department of Community Development and where applicable, the Metropolitan Planning Organization (MPO), when a request for a major road improvement (realignment/relocation and/or paving of an unpaved road) is received that would take place completely within the VDoT right of way and/or the property owner's land.
2. The Resident Engineer will provide County staff basic information regarding the scope of the project. This information will include, but not be limited to, the location (with terminus points), length, type of improvements, and what additional properties are impacted. VDoT shall also provide its comments or concerns for the improvement.
3. An evaluation by County staff of the scope of the project and its consistency with County policies and the Comprehensive Plan will be provided to the Board of Supervisors. The Board will determine if area residents should be informed/notified of the proposed improvement. The notification can be by letter to area property owners, posting of signs along the subject road segment, and/or by a community meeting. The impacted area will be defined on a case by case basis.
4. Staff will compile and assess comments received from any public comment/input process and provide them to the Board of Supervisors. The Board will provide its recommendation on the proposed project to the VDoT resident engineer. If the Board of Supervisors supports the proposal, a resolution of support will be adopted by the Board and forwarded to VDoT before construction begins.

Adopted by the Board of Supervisors – July 6, 2005

Department of Conservation and Recreation
Natural Heritage Program
License for Use of Digital Natural Heritage Resources Information

The Virginia Department of Conservation and Recreation's Natural Heritage Program (DCR) hereby grants a revocable license to _____ (Licensee) to use the following data (include data category and geographic extent):

Four horizontal lines for listing data categories and geographic extents.

Use of these data is subject to the following conditions:

- 1. The license is nonexclusive and revocable.
2. The license is nontransferable, and any attempted transfer is void.
3. The license conveys no rights for Licensee to release or distribute these data, or derivative works containing these data, in any electronic/magnetic or machine-readable form.
4. Licensee will identify "Virginia Department of Conservation and Recreation, Natural Heritage Program" as data source on any map or publication using DCR data.
5. Licensee will provide DCR with a list of any reports or printed materials prepared using Natural Heritage Program data, and will provide a sample copy of such material if requested by DCR.
6. Although DCR maintains high standards of data quality control, DCR makes no warranty as to the fitness of the data for any purpose, nor that the data are necessarily accurate or complete.
7. Licensee understands and acknowledges that these data are provided for planning and assessment purposes only.
8. Licensee understands and acknowledges that release of precise species locations may threaten natural heritage resources.
9. If there are subscription service charges, or any other agreements between DCR and Licensee for sharing costs incurred by DCR in making the data available, Licensee shall pay agreed charges within 30 days of being billed by DCR.
10. Licensee understands and acknowledges that the accuracy of these data is time-limited. Licensee agrees to use DCR-provided data only for the term specified by DCR, and to incorporate all updates provided by DCR.
11. Licensee will indemnify and hold DCR and its officers and employees harmless against any claims by third parties arising out of the use by Licensee of the data provided hereunder.
12. This License is the entire agreement between the parties with respect to the subject matter hereof.

By accepting the DCR data, Licensee agrees to abide by all of the above conditions. Licensee shall sign this license and return it to DCR to indicate receipt and acknowledgment of the terms of this license.

Licensee signature _____ Date _____

Licensee title

Licensee agency/company

Approved:

Thomas L. Smith, Director,
DCR Natural Heritage Program

Date

RESOLUTION OF INTENT

WHEREAS, “contractor’s office and equipment storage yard” is a use classification authorized by right in the Light Industry (LI) zoning district (Zoning Ordinance § 27.2, entitled “Permitted Uses”); and

WHEREAS, experience in Albemarle County has shown that this use classification may range in intensity from one that is primarily offices with limited equipment storage and minimal impacts to those that are more intense because less area is devoted to offices and more is devoted to equipment storage, with associated activities including equipment transportation; and

WHEREAS, in recent years concern has been expressed by some members of the public and public officials that the traffic, noise and other impacts arising from an intensive contractor’s office and equipment storage yard use may create conflicts with residential areas and rural areas in proximity to a Light Industry (LI) zoning district; and

WHEREAS, authorizing contractor’s office and equipment storage yards by special use permit in the Light Industry (LI) zoning districts would allow such a proposed use to be evaluated on a case-by-case basis so that the impacts resulting from the use may be identified and, if it is approved, mitigated by appropriate conditions; and

WHEREAS, it is desired to amend Zoning Ordinance § 27.2 to change the “contractor’s office and equipment storage yard” use classification from one that is allowed by right to one that is allowed by special use permit.

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 Zoning Ordinance § 27.2 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.

* * * * *

ATTACHMENT 5

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of July 2005, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Hollymead Subdivision** described on the attached Additions Form SR-5(A) dated **July 6, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Hollymead Subdivision** as described on the attached Additions Form SR-5(A) dated **July 6, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form SR-5(A) is:

- 1) **Broad Crossing Road (State Route 1498)** from Route 1520 (Hollymead Drive) to .04 miles north on Route 1520 (Hollymead Drive) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-way width, for a length of 0.04 miles; and from .04 miles north on Route 1520 (Hollymead Drive) to .07 miles east on Route 1498 (Broad Crossing Road) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-way width, for a length of 0.07 miles; and from .07 miles east on Route 1498 (Broad Crossing Road) to .13 miles east on Route 1498 (Broad Crossing Road) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-way width, for a length of 0.13 miles; and from .13 miles east on Route 1498 (Broad Crossing Road) to the end of maintenance; as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, for a length of 0.04 miles.

Total Mileage - 0.28 miles.

ATTACHMENT 6

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of July 2005, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Boston Creek Subdivision** described on the attached Additions Form SR-5(A) dated **July 6, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Boston Creek Subdivision** as described on the attached Additions Form SR-5(A) dated **July 6, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form SR-5(A) is:

- 1) **Boston Creek Drive (State Route 890)** from Route 618 (Martin Kings Road) to .03 miles south to Fluvanna County line, as shown on plat recorded 05/20/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 367, page 84, with a 50-foot right-of-way width, for a length of 0.03 mile.

Total Mileage - 0.03 mile.

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 adopted a Resolution on June 7, 2004 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend and reestablish 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
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
 Total	 <u>\$ 6,000.00</u>

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-02 is necessary to clarify the definitions of employee status;

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.

Procedure for Compliance – Definition of Employee Status

- 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 scheduled 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. Upon prior recommendation by Human Resources and approval by the County Executive, some positions may work less than 40 hours per workweek and still be designated “Full-Time.”
 - b. Part-Time: Employment in an established position scheduled for less than 40 hours or other full-time schedule per subsection (a) above per normal workweek.
 - c. Probationary: The first six (6) months (12 months for certain positions) of employment with the County are 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 benefits 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 (designated in subsection B(1)(a) above)	2080 hrs/year	a day = 8 hours (or as designated in subsection B(1)(a) above)
	Police Patrol	2071 hrs/year	a day = 8.1 hours
	Fire & Rescue Day Personnel	2496 hrs/year	a day = 9.6 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, July 6, 2005

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL CHILD AT PLAY SIGN ON
ALBERENE ROAD**

WHEREAS, the residents of Alberene Road are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the area; and

WHEREAS, there are numerous children that live and play on Alberene Road 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 request for VDOT to install the necessary "Child at Play" signs on Alberene Road (Route 719).

**NATURAL HERITAGE COMMITTEE
FACT SHEET**

Duties/Function: The Natural Heritage Committee is an advisory committee that maintains the County’s Biodiversity Assessment; advises the Board of Supervisors, the Planning Commission, and County staff on applying biodiversity information to land-use decision-making; and supports biodiversity education in the County.

TASKS:

- A. Input on and oversight of the maintenance, expansion, updating, and evaluation of the ongoing Biodiversity Assessment begun by the Biodiversity Work Group, and development of a protocol for assessing changes in the state of biodiversity (with reference to planning goals).
- B. Assistance in staff development of an action plan that specifies detailed steps for achieving protection of biodiversity as outlined in the Comprehensive Plan.
- C. Development of policy recommendations to the Board in response to biodiversity issues and information gathered from the Biodiversity Assessment. The Committee should be consulted on programs, regulations, and Comprehensive Plan changes that may affect biodiversity protection.
- D. Development of educational materials and programs on biodiversity.
- E. Provision of periodic reports to the Board of Supervisors on the state of biodiversity in the County.

Length of Term: Initial appointments will include four four-year appointments, four three-year appointments, and four two-year appointments. Thereafter, appointments will be for four years.

Frequency/Meeting Times Monthly
TBD

Membership: The Board of Supervisors shall appoint ten to twelve members. Applicants need not be County residents. However, total committee membership should consist of some County residents.

Qualifications: The Committee should include members with expertise or background in one or more of the following fields, to support the Committee’s role as a technical advisory group:

- natural history (including those with detailed knowledge of local wildlife, plants, and other resources);
- terrestrial, aquatic, and landscape ecology;
- biological conservation and conservation planning;

- population genetics;
- forestry;
- geology and soils;
- geographic information systems for conservation;
- science education (adult and youth);
- agribusiness.

The group should also include local landowners and citizens with interests in biodiversity conservation, farming and forestry, and conservation-oriented rural and urban development. If possible, these general citizen representatives should be residents of the County.

c appointment letter to: Scott Clark, Community Development Department

NOTE: Each committee member to receive copy of adopted Rules of Procedure

ORDINANCE NO. 05-10(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, OFFENSES--MISCELLANEOUS, 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 10, Offenses--Miscellaneous, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Adding:

Sec. 10-123 Prohibited Activities on Public Roadways and Medians

CHAPTER 10. OFFENSES – MISCELLANEOUS

* * * * *

Sec. 10-123 Prohibited Activities on Public Roadways and Medians

A. Definitions:

Roadway. As used in this section, the term “roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

Center Median. As used in this section, the term “center median” means any area in the middle of any roadway, designed to provide a barrier to keep traffic on one side of the road from going to the other side of the road. A center median may be a raised concrete strip or a grass strip.

Selling, offering for sale, advertising, soliciting, distributing or distribute. As used in this section, “selling, offering for sale, advertising, soliciting, distributing or distribute” means any such activity which involves the delivery of any document, publication or other item or the intent to deliver any document, publication or other item to any occupant of a motor vehicle located on a county roadway or any such activity which involves the receipt of any money or any item or the intent to receive any money or any item from the occupant of an automobile located on a county roadway, other than a motor vehicle parked in a designated parking space.

B. It shall be unlawful for any person while standing on any public roadway or median therein to:

1. Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the drivers of motor vehicles or passengers therein on any roadway or median within the county.

2. Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on any roadway or median within the county.

3. Sell or attempt to sell merchandise to the drivers of motor vehicles or passengers therein on any roadway or median within the county.

C. Any person, firm, organization, or corporation violating any provision of this section shall be guilty of a traffic infraction, punishable as provided under state law. Each separate incident may be considered a new violation.

State Law References: Authority to enact section, Code of Virginia, section 46.2-931.

SP-2005-007. The Garden Barn (Signs #28&29). Request to allow farm sales in accord w/Sec 10.2.2(45) of the Zoning Ord which allows for farm sales. TM 21, P 5B1, contains 30.754 acs (of which 3 acs are included in this request). Znd RA. Loc at 5625 Spring Hill Rd (Rt 606), approx 1,500 feet W of its intersect w/Seminole Trail (Rt 29). White Hall Dist.

1. The site shall be developed, and the farms sales use conducted, in general accord with the preliminary schematic plan entitled "Garden Barn Application Plan SP-2005-7," prepared by Gabriele Kleinmichel, and dated 3/29/05;
2. The applicant shall make the entrance improvements specified in a letter from VDOT Assistant Resident Engineer, Charles C. Proctor, III, dated 3/24/05 (excluding the requirement for a site plan showing the proposed improvements); and
3. Hours of operation each day shall be between 5:00 a.m. and 9:00 p.m.

SP-2005-009. Cedar Hill Mobile Home Park Re-approval of Special Use Permit to Expand Existing Mobile Home Park (Sign #32). Request for re-approval of an expansion of an existing Mobile Home Park from 77 lots to 109 lots (SP-03-06) in accord w/Sec 15.2.2.14 of the Zoning Ord which allows for mobile home subdivisions. TM 32, P 22I, contains 25.95 acs. 21.13 acs of the property are znd R-4 & the remaining 4.82 acs are znd LI. Property also znd EC. Loc at 2073 Cypress Dr, approx one quarter mile S of intersec of Rt 29 & N Park Rd. Rio Dist.

1. Pending the satisfaction of all conditions of approval for the special use permit and modifications and waivers, a maximum of thirty-two (32) new mobile home lots shall be allowed in the mobile home park. Those new lots shall be arranged generally in the areas and configuration shown on the application plan, dated January 27, 2003;
2. No mobile home units shall be relocated or installed, nor shall any new construction activity take place in the expanded area as illustrated on the application plan dated January 27, 2003 until after a site plan has been approved. No change in unit location shall occur on the existing or expanded areas without a site plan approval;
3. A landscape plan shall be submitted for review with the required site plan; and
4. The stormwater and utility improvements illustrated on the application plan dated January 27, 2003 may be adjusted as approved by the agent on the final site plan if the agent determines the adjustments to be more site sensitive, environmentally sensitive, visually sensitive, and less obtrusive method to achieve the same results.

ORDINANCE NO. 05-3(2)

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 3-222, Moorman's River Agricultural and Forestal District, as follows:

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-222 Moorman's River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30B, 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C, 40B, 40C, 40D, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70G, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 79C, 80, 84, 85; tax map 30, parcels 10, 10A, 12, 12C, 12D, 17A, 18E; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 41C, 41H, 44, 50, 67, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 43, 43A, 44; tax map 43, parcels 1, 3, 3A, 3C, 3D, 4C, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 43A1, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G; tax map 59, parcels 32, 32A, 34, 35, 82A. This district, created on December 17, 1986 for not more than ten years and last reviewed on December 1, 2004, shall be next reviewed prior to December 1, 2014.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 04-3(2), 7-6-05)