

**ACTIONS**  
**Board of Supervisors Meeting of August 3, 2005**

August 11, 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 9:02 a.m. by the Chairman, Mr. Rooker. All BOS members 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>Jeff Werner from Piedmont Environmental Council spoke about the approved historical highway markers for Southwest Mountains Rural Historic District and Monticello Wine Company.</li> <li>Tom Loach, a resident of Crozet, spoke about the lack of representation of residents from the growth areas on the Mountain Overlay District Committee.</li> <li>Charlie Trachta spoke about the recent U.S. Supreme Court ruling which allows for the seizure of private lands by local government and his concern that the County may step in and claim eminent domain without being assured in writing that the developer tried to negotiate with the land owner in good faith.</li> </ul>	
<p>5a. Boards and Commission Certificate of Appreciation.</p> <ul style="list-style-type: none"> <li>Chairman <b>PRESENTED</b> certificate to Sterling Robinson formally of Charlottesville/Albemarle Commission on Children and Families as the Albemarle County Citizen Representative.</li> </ul>	
<p>5b. Recognition: Bruce Woodzell</p> <ul style="list-style-type: none"> <li>Chairman recognized Bruce Woodzell who won an elected position on the International Association of Assessing Officers (IAAO) Executive Board.</li> </ul>	
<p>5c. Recognition: Dan Eggleston</p> <ul style="list-style-type: none"> <li>Chairman recognized Dan Eggleston for being awarded the professional designation of Chief Fire Officer, or CFO.</li> </ul>	
<p>6.2 Adopt resolution to issue Virginia Public School Authority (VPSA) Refinancing Bond.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> attached resolution authorizing the execution and delivery of a Continuing Disclosure Agreement and a Use of Proceeds Certificate.</li> </ul>	<p><u>Clerk:</u> Forward copy of adopted resolution to Finance, OMB and Education.  <u>Finance:</u> Provide Clerk with signed copy of Continuing Disclosure Agreement and Use of Proceeds Certificate.            (Attachment 1)</p>
<p>6.3 Eilerslie Drive and Grand Cru Drive Road Name Change Request.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> road name changes and granted staff authority to coordinate/implement change.</li> </ul>	<p><u>Tex Weaver:</u> Proceed with request.</p>
<p>6.4 Procedures and expected costs of property tax incentives for solar energy and recycling equipment.</p> <ul style="list-style-type: none"> <li><b>AUTHORIZED</b> staff to prepare ordinance and set public hearing at the earliest possible time.</li> </ul>	<p><u>County Attorney:</u> Proceed as directed.  <u>Clerk:</u> Schedule public hearing for October 5, 2005.</p>
<p>6.10 Historic Preservation Committee Update.</p>	

<ul style="list-style-type: none"> <li>To come back to the Board for a presentation on September 7<sup>th</sup>.</li> </ul>	
<p>7a. Signage in VDOT right-of-way.</p> <ul style="list-style-type: none"> <li><b>DISCUSSED. APPROVED</b> staff's Option #4 which is to continue to rely on VDOT for enforcement and use a public education campaign to make violators aware of current laws.</li> <li>Ms. Thomas asked staff to work with the Route 250 West Committee on the education program.</li> </ul>	
<p>7b. Other Transportation Matters. <u>Jim Utterback:</u></p> <ul style="list-style-type: none"> <li>Notified the Board that Jimmy Kesterson, permit specialist and VDOT veteran for 40+ years, passed away.</li> <li>Pointed out on the monthly report that the Airport Road project has an estimated completion date of November 1<sup>st</sup>. Was originally scheduled for completion September 2<sup>nd</sup>.</li> <li>Pointed out on the 2<sup>nd</sup> page, the Georgetown Road project, in which VDOT is trying to schedule the scoping in September. Going to be a consultant design project. CIM planned for Spring 2006.</li> <li>Trying to schedule scoping on Dickerson Road this month. Number of issues that have to be scoped on that roadway.</li> <li>Pointed out on the 3<sup>rd</sup> page, under Traffic Engineering, Route 250 and Tillman Road, there was a request to upgrade to a full signal. Traffic Engineers recommended against it. Will look at again next Spring.</li> <li>Allen Road which was recently paved has been posted with a speed limit.</li> <li>Noted on the last page of the monthly report, under Maintenance Budget, VDOT did not list an actual for July yet. He pointed out the maintenance budget is about \$12.8 million this year which is a decrease of over \$1.0 million from last year. VDOT overspent by 5% last year. Mr. Rooker asked what geographic area the \$12.8 million is expended over. Mr. Utterback stated Albemarle and Greene Counties.</li> <li>Regarding the painting of the lines on Route 53, the contractor inadvertently painted double solid yellow lines on two old passing zones to make them no passing zones. This has been reviewed by VDOT Traffic Engineers and one of the zones will be redone to allow passing.</li> <li>Mentioned the timing of the signals at Hollymead Town Center. VDOT is working on addressing the issues.</li> <li>Updated the Board on proposed maintenance on I-64.</li> <li>Contractor is back working on Blenheim Road</li> </ul>	<p><u>Clerk:</u> Forward comments to VDOT.</p>

and have committed to staying until the work is completed.

- Discussed with Nelson County paving of Heards Mountain Road. VDOT asked that when they pave their portion of the road, they do the entire section.
- Just received on Monday, FAA approval for temporary signal at Route 743/606.
- Curve has been marked but not painted yet on Buck Mountain Road/Route 810.
- Superintendent could not find the drainage issue on Buck Mountain/St. George Avenue.
- VDOT is laying the base coat on Gilbert Station Road. Section VDOT is working on should be complete in the next week or so.
- VDOT recommended on Rocky Hollow Road to install 25 mph curve signage.

David Wyant:

- Asked about paving on I-64 in front of the guardrail. Wanted to know if that is for drainage and the height of the guardrail. Mr. Utterback replied that VDOT is basically raising all the guardrails.
- Asked what the designation N501 stands for on Dickerson Road. Asked is it because Dickerson Road is a gravel road and uses state forces. Mr. Utterback replied, "Yes".
- Asked VDOT to accelerate the Jarmans Gap Road project.
- Coming up from the Reservoir to the Rock Store you have difficulty seeing the speed limit sign. Asked VDOT to look at placement of 45 mph sign which is almost right behind yield sign.

Sally Thomas:

- Asked VDOT to look at the asphalt pavement on Overlook Drive.
- Offered **motion** which was **seconded** by David Bowerman to adopt a resolution requesting that VDOT return the speed limit to 55 mph on the 29 South corridor in Albemarle County. Motion **PASSED** by a vote of 6:0.

David Bowerman:

- On Rio Road at the Seminole Square/Fashion Square East intersection, there is a raised concrete island that appears to be abandoned. There are lots of weeds. Requested VDOT provide some maintenance.

Dennis Rooker:

- Requested VDOT also provide maintenance along Hydraulic Road, Whitewood Road and Berkmar Drive.
- Requested VDOT remain on schedule for the Georgetown Road project and to inform him when scoping is underway.

Ken Boyd:

- Offered **motion** which was **seconded** by David Wyant to extend the current project on Route

Clerk: Forward copy of adopted resolution to VDOT, TJPDC, and Juan Wade.  
(Attachment 2)

<p>640, Gilbert Station Road, another 4/10ths of a mile to the Ashleigh Subdivision. Motion <b>PASSED</b> by a vote of 6:0.</p> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>Suggested a "School Bus Stop" sign on the north and south sides of Route 708 be installed to slow people down as they are coming over Carter's Bridge onto Route 20 South. Mr. Utterback said that intersection was identified as a performance metric for safety improvements. First step VDOT is doing is the "in pavement" markings which are the "slow" and "arrows".</li> </ul>	
<p>8. Presentation on Nutrient Loading at Moores Creek, Tom Frederick, RWSA.</p> <ul style="list-style-type: none"> <li><b>PRESENTED.</b></li> </ul>	
<p>9. Presentation: ArtInPlace – Victoria Byrd.</p> <ul style="list-style-type: none"> <li><b>PRESENTED.</b> Mr. Tucker recommended bringing back to the Board a proposal based on a meeting with Parks and Rec. Will try and bring back in September.</li> <li>Ms. Thomas asked that staff look at the legal issue of allowing structures in places where they were not previously allowed.</li> <li>Mr. Dorrier asked if the County should ask the Garden Clubs of Virginia to participate somehow.</li> </ul>	<p><u>Clerk:</u> Schedule on agenda when ready to come forward.</p>
<ul style="list-style-type: none"> <li>The Board recessed at 11:05 a.m. and reconvened at 11:17 a.m.</li> </ul>	
<p>10. Discussion: Martha Jefferson Hospital Request for Tax Exemption.</p> <ul style="list-style-type: none"> <li><b>DISCUSSED. DENIED</b>, by a vote of 6:0, Martha Jefferson Hospital's request for tax exempt status by special designation and <b>REAFFIRMED</b> the Board's policy regarding tax-exempt property.</li> </ul>	<p><u>County Attorney:</u> Bring back on consent agenda an updated resolution restating the Board's policy that addresses the local authority.</p>
<p>11. Work Session: Belvedere (Signs #62,76&amp;84).</p> <ul style="list-style-type: none"> <li><b>HELD.</b> Discussion continued in afternoon session.</li> </ul>	
<p>12. Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>At 12:47 p.m., the Board went into closed session to consider appointments to boards, committees, and commissions; to consider the acquisition of property for recreational facilities; to consider the acquisition of property for permanent open space; to discuss with legal counsel and staff specific legal issues regarding an interjurisdictional agreement; to discuss with legal counsel and staff specific legal issues regarding a settlement agreement; and to discuss with legal counsel and staff specific legal issues regarding two matters of pending litigation relating to the denial of site plans.</li> </ul>	
<p>13. Certified Close Session.</p> <ul style="list-style-type: none"> <li>At 2:17 p.m., the Board reconvened into open session and certified the closed session. Mr. Wyant did not return to the meeting.</li> </ul>	
<p>Non-Agenda.</p>	<p><u>Clerk:</u> Forward copy of adopted resolution to</p>

<ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 5:0, Resolution Authorizing the Execution of Local Government Guarantee on Behalf of the Rivanna Solid Waste Authority.</li> </ul>	<p>County Attorney's office. (Attachment 3)</p>
<p>14. Vacancies/Appointments.</p> <ul style="list-style-type: none"> <li>• <b>REAPPOINTED</b> Rosa Hudson to Jordan Development Corporation with said term to expire August 13, 2006.</li> <li>• <b>REAPPOINTED</b> Dan Maupin and Montie Pace to Land Use Tax Advisory Board with said terms to expire September 1, 2007.</li> <li>• <b>APPOINTED</b> Chad Freckmann to RSWA Citizens Advisory Committee as joint appointee with said term to expire December 31, 2007.</li> </ul>	<p><u>Clerk</u>: Prepare reappointment/appointment letters, update Boards and Commissions book and notify appropriate persons.</p> <p><u>Clerk</u>: Send copy of appointment letter to City Council.</p>
<p>15. SP-2005-012. Singleton Studios (Sign #50).</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2005-012, by a vote of 5:0, subject to the two conditions recommended by the Planning Commission; and</li> <li>• <b>APPROVED</b> modification to allow an increase in square footage for the home occupation beyond the 25 percent of the primary dwelling allowed in the ordinance.</li> </ul>	<p><u>Clerk</u>: Set out conditions of approval. (Attachment 4)</p>
<p>16. SP-2005-014. Crown Orchard – Grey Television Amendment (Signs #51&amp;54).</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2005-014, by a vote of 5:0, subject to the ten conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk</u>: Set out conditions of approval. (Attachment 4)</p>
<p>Mr. Bowerman left the meeting at 2:28 p.m.</p>	
<p>17. Strategic Plan – Life Long Learning Action Team's Report.</p> <ul style="list-style-type: none"> <li>• <b>PRESENTED</b> four recommendations. Ms. Thomas suggested rethinking the wording of the two levels. Certificate of appreciation first, then an award/certification. Mr. Rooker suggested a Life Long Learning link on the County website, as well as JABA's and other agencies that leads to educational opportunities. He thanked the committee for all their hard work.</li> </ul>	<p><u>Lori Allshouse/Lisa Gilliam</u>: Proceed with recommendations.</p>
<p>18. From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas</u>:</p> <ul style="list-style-type: none"> <li>• Updated the Board on the work of the Mountain Overlay District Committee.</li> <li>• Responded to Tom Frederick's earlier comments. Stated the most highly reliable, cost effective, measurable, enforceable and critical to the achievement of water quality objectives is to tackle the point source.</li> </ul> <p><u>Lindsay Dorrier</u>:</p> <ul style="list-style-type: none"> <li>• Received letter from taxpayer regarding an assessment for land that was incorrectly assessed as being in land use. Eighty-nine taxpayers were affected. County is now trying to collect taxes for the last three years, penalties were waived if paid by due date. Mr. Davis stated the Attorney General's Office has issued an official opinion that the County is obligated to collect those back taxes. Rules for</li> </ul>	

<p>land use are state mandated.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>Brought up a resolution he had emailed to Board members regarding North Berkshire/Cedar Hill and the closing of the road by the City. Ms. Thomas offered <b>motion</b> which was <b>seconded</b> by Mr. Boyd to adopt the proposed resolution requesting Charlottesville City Council to remove the barriers on North Berkshire Road and consider more customary traffic calming methods. Motion <b>PASSED</b> by a vote of 4:0.</li> </ul>	<p><u>Clerk:</u> Forward signed resolution to City Council. (Attachment 5)</p>
<ul style="list-style-type: none"> <li>The Board recessed at 3:12 p.m. and reconvened at 3:15 p.m.</li> </ul>	
<p>11. Work Session: Belvedere (Signs #62,76&amp;84).</p> <ul style="list-style-type: none"> <li><b>CONTINUED.</b> It was the <b>CONSENSUS</b> of the Board to move forward with public hearing on August 10<sup>th</sup> per applicant's request, with the understanding that the applicant would provide staff with all necessary information within 24 hours.</li> </ul>	
<p>19. Adjourn to August 9, 2005, 4:00 p.m., for Joint Meeting with School Board.</p> <ul style="list-style-type: none"> <li>The meeting was adjourned at 3:40 p.m.</li> </ul>	

/djm

- Attachment 1 – Resolution authorizing the execution and delivery of a Continuing Disclosure Agreement
- Attachment 2 – Resolution requesting that the Virginia Department of Transportation return the speed limit to 55 mph on the 29 South corridor in Albemarle County
- Attachment 3 – Resolution Authorizing the Execution of Local Government Guarantee on Behalf of the Rivanna Solid Waste Authority.
- Attachment 4 – Conditions of Approval for Planning Items
- Attachment 5 – Resolution requesting Charlottesville City Council to remove the barriers on North Berkshire Road and consider more customary traffic claming methods

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF ALBEMARLE GENERAL OBLIGATION SCHOOL BONDS, 1992B SERIES, 1993 SERIES AND REFUNDING SERIES 1994A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

**WHEREAS**, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1987 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

**WHEREAS**, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Albemarle, Virginia (the "County") designated the Albemarle County School Bonds, Series of 1989B and 1991 Series B ("Prior Local School Bonds");

**WHEREAS**, the Authority has issued under the 1987 Resolution several series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1992 Series B" (the "Series 1992 B Bonds"), "School Financing Bonds (1987 Resolution) 1993 Refunding Series B" (the "Series 1993 B Bonds") and "School Financing Bonds (1987 Resolution) 1993 Series C" (the "Series 1993 C Bonds");

**WHEREAS**, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Albemarle General Obligation School Bond, Refunding Series 1994 A (the "1994 A Local School Bond");

**WHEREAS**, the Authority used a portion of the proceeds of the Series 1992 B Bonds and Series 1993 C Bonds to purchase certain duly authorized and issued general obligation school bonds of the County designated the County of Albemarle General Obligation School Bonds, 1992B Series and 1993 Series (together with the 1994 A Local School Bond, the "Local School Bonds");

**WHEREAS**, the Authority refunded its Series 1992 B Bonds, Series 1993 B Bonds and Series 1993 C Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

**WHEREAS**, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

**WHEREAS**, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule");

**WHEREAS**, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

**WHEREAS**, the Board of Supervisors of the County of Albemarle, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:**

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the Director of Finance and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary

in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the Director of Finance and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

\* \* \* \*



RESOLUTION

**Whereas**, the Route 29 Corridor Development Study (Combined Phases II/III) North Carolina to I-64 was completed in 2003; and

**Whereas**, that study does not propose increasing the speed limit of Route 29 in Albemarle County, but does describe conditions in Albemarle County which suggest that the roadway is not suitable for increased speed; and

**Whereas**, at public hearings held during the Corridor Development Study comments were made by persons living near and/or using Route 29 about the dangerous conditions created by speeding traffic on the road; and

**Whereas**, the Technical Report of the Corridor Study points out at least two “high crash segments” or dangerous intersections (VA 692 and VA 708, with crash rates of 1.65 and 1.75 per million vehicle miles) [p118], points out that lane widths are frequently less than 12 feet pp 183, 184]; and

**Whereas** the Existing Conditions Report points out the village-like situation around Crossroads Store, points out several segments needing improved sight distance and/or lane widening [p23]; points out that even when studied in 1998, traffic exceeded the 55 mph limit much of the time [pp A-118 to A-136], lists 44 median breaks in Albemarle [pp17-18], and found only 4.9% to 10% of the traffic consisted of trucks and buses, and found 214 side access points [p14] ; and

**Whereas** the Albemarle County Board of Supervisors adopted the Corridor Study and made suggestions regarding its recommendations in April, 2001, without any suggestion of increasing the speed limit;

**Now, Therefore, Be It Resolved**, that the Albemarle County Board of Supervisors requests the Virginia Department of Transportation to return the speed limit to 55 mph on the 29 South corridor in Albemarle County for the safety of persons who must use that road, including school buses, occasional walk and bike-users, persons who must enter and exit in order to get to their homes and to the small businesses on this road, as well as the North Garden Fire Department and the Albemarle County Fair, Apple Harvest Festival and similar community events which draw traffic that must cross or slowly enter and exit the road.

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**RESOLUTION  
AUTHORIZING THE EXECUTION OF  
LOCAL GOVERNMENT GUARANTEE  
ON BEHALF OF THE  
RIVANNA SOLID WASTE AUTHORITY**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors that the County Executive is hereby authorized to execute on behalf of the County, the *Local Government Guarantee*, in a form required by the Department of Environmental Quality and to bind the County to the extent permitted by law, to be executed by the City of Charlottesville and the County of Albemarle on behalf of the Rivanna Solid Waste Authority to guarantee post-closure care or corrective action of facilities of the Rivanna Solid Waste Authority under Solid Waste Permit Number 125.

**SP-2005-012. Singleton Studios (Sign #50).** Request to allow Home Occupation Class B for recording studio business in accord w/Sec 10.2.2.31 of the Zoning Ord, which allows Home Occupations Class B. TM 103, P 16D, contains approx 49.4 acs. Znd RA. Loc at 135 Quandary Farm, which is along Blenheim Rd (Rt 727) approx 1 mile N of intersec of Blenheim Road & Secretarys Road (Rt 708). Scottsville Dist.

1. This Home Occupation shall be conducted in accordance with the application plan Area of Detail (Attachment D [copy on file]); including outdoor lighting plan (Attachment E [copy on file]); and
2. Structures used for this home occupation shall be limited to the building labeled Barn on the plat showing a physical survey plat of the property dated July 17, 1996. (Attachment B [copy on file]).

Approved modification to allow an increase in square footage for the home occupation beyond the 25 percent of the primary dwelling allowed in the ordinance.

**SP-2005-014. Crown Orchard – Grey Television Amendment (Signs #51&54).** Request to amend condition #1 of SP-2004-003 to allow additional 30.28-foot flush-mounted television antenna to existing tower. This request is being made in accord w/Sec 10.2.2.6 of the Zoning Ord, which allows for microwave, radio-wave transmission & relay towers & appurtenances. TM 91, P 28I, is part of larger parcel identified as TM 91, P 28 which contains 234.165 acres. Znd RA. Loc on Carter's Mountain Trail, approx 1 mile S of intersec w/Thomas Jefferson Parkway (Rt 53). Scottsville Dist.

1. The facility including the tower, its attachments and the new ground equipment building shall be sized, located and built in general accord with the construction plans, tower elevations and schematic drawings initialed SBW and dated May 5, 2004 and initialed YQA and dated June 16, 2005 subject to maximum height and width restrictions in conditions three (3) and five (5). This information is provided in Attachment G (copy on file) of this staff report;
2. Prior to the issuance of a building permit, the applicant shall submit the final revised set of site drawings construction of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed;
3. The height of the tower structure shall not exceed one hundred fifty (150) feet and the top of the antenna, including the lightning rod, shall not exceed one hundred ninety (190) feet above ground level. No equipment, with the exception of any FAA required flight safety lighting, shall extend higher than the tallest portion of the top-mounted antenna;
4. Antennas supporting services other than television broadcasting shall not be attached to extend above a total height of the tower itself;
5. The width of each side of the tower shall not exceed fifty (50) inches in width;
6. The existing guyed tower that currently supports this facility shall be removed within sixty (60) days of the completion of the new tower. This condition has been met as of 6/28/05;
7. The short existing tower, owned by Adelpia Cable Company shall be removed within ninety (90) days of the discontinuance of its use and in any case no later than October 31, 2004. This condition has been met as of 6/28/05;

8. The new ground equipment building shall be painted a natural, dark brown color, and screened on its eastern and western sides with evergreens or a mixture of trees deemed acceptable by the County's Landscape Planner;
9. No building permit for additional antenna installation or modification shall be issued until the unauthorized microwave dish is removed; and
10. The existing Gray TV antenna on the PBS tower located on Tax Map 91, Parcel 28E shall be removed within 90 days after the new antenna authorized by this special use permit is operational.

**RESOLUTION**

**WHEREAS**, the closing of the North Berkshire Road/Cedar Hill Drive intersection has created concern among both City and County residents; and

**WHEREAS**, North Berkshire Road is located in both the City and County, and has been cut in half by a barrier at the City line; and

**WHEREAS**, this barrier forces all drivers in the northwest section of the County to go out to Route 29 to reach businesses along Angus Road or to visit neighbors in the City; and

**WHEREAS**, the Albemarle County Board of Supervisors believe that this connection is significant to the transportation network and local traffic flow for the residences and businesses in this area, and for the continued strategy of allowing local traffic to avoid using Route 29 for local trips; and

**WHEREAS**, the Board of Supervisors understands the need to protect neighborhoods from the impacts of through traffic but believe that traffic calming measures in this area can be achieved through such things as signage, crosswalks, speed humps and road design, not closing the streets.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors, does hereby request Charlottesville City Council to remove the barriers on North Berkshire Road and consider more customary traffic calming methods.

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