

**ACTIONS**  
**Board of Supervisors of November 9, 2005**  
**3:30 P.M., Room 235**

November 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 3:32 p.m. by the Vice-Chairman, Mr. Boyd (note: Mr. Rooker arrived at 3:34 p.m.). All BOS members were present. Also present were Bob Tucker, Larry Davis, Tom Foley, Dan Eggleston and Debi Moyers.</li> </ul>	
<p>2a. Work Session: Transportation Strategies.</p> <ul style="list-style-type: none"> <li><b>HELD.</b></li> <li><b>CONSENSUS</b> of the Board for staff to bring back additional information on the requested Transportation Engineer position.</li> </ul>	Clerk: Schedule on December 7 <sup>th</sup> agenda.
<p>2b. Work Session: Fire/Rescue.</p> <ul style="list-style-type: none"> <li><b>HELD.</b></li> <li><b>CONSENSUS</b> of the Board to approve the Guiding Principles, Expectations and Goals as presented by staff and for staff and Mr. Wyant to meet with Fire Rescue Advisory Board to review.</li> </ul>	
<p>3. Recess.</p> <ul style="list-style-type: none"> <li>The Board recessed and went into closed session at 5:32 p.m. to discuss with legal counsel and staff specific legal issues regarding an existing interjurisdictional agreement and the negotiation of a contract.</li> </ul>	

**ACTIONS**  
**Board of Supervisors of November 9, 2005**  
**6:00 P.M., Meeting Room 241**

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>4. Reconvene and Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 6:00 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, V. Wayne Cilimberg and Debi Moyers.</li> </ul>	
<p>Non-Agenda.            Certify Closed Session.            At 6:00 p.m. the Board reconvened into open session and certified the closed session.</p>	
<p>7. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Neil Williamson, with the Free Enterprise Forum, spoke about Consent Agenda Item 9.4., Policy on Submission of Materials for Zoning Applications. Stated the policy is in need of additional review. Encouraged the Board to engage the community in a discussion on how the system can be built so that it better serves the citizens.</li> <li>Tom Loach, a resident of Crozet, discussed what appeared to be a major discrepancy in the</li> </ul>	

<p>Old Trail rezoning and the approved Crozet Master Plan</p> <ul style="list-style-type: none"> <li>• Barbara Nordin, who writes the Fearless Consumer column for The Hook, asked why the County Police continues to dispatch towing calls to Lethal Wrecker. Because of their business practices, the City and University no longer use their services.</li> <li>• Valerie Long commented on the proposal that is on the Consent Agenda regarding the timely submission of materials for rezonings and other actions. Echoed comments from Neil Williamson and suggested that the Board consider forming a small ad hoc committee with representatives from the Planning staff, Zoning staff, applicants, landowners, and community citizens to try and talk about the problem in a more comprehensive fashion. Would be happy to participate and try to come up with a way to address everyone's concerns and need for timely information. Said proposal is a Band-Aid for a solution that may not help fix the problem.</li> <li>• John Martin, who lives in Free Union, spoke about a recent court ruling in which the courts upheld a decision that makes it unlawful for an individual to campaign on commercial property without the property owner's agreement. Urged the Board to look into this matter.</li> </ul>	
<p>8a. Recognition: House Joint Resolution recognizing Walter Perkins, presented by Delegate Landes.</p> <ul style="list-style-type: none"> <li>• Delegate Landes read and presented House Joint Resolution No. 726 to Joanne Perkins in memory of Walter Perkins.</li> </ul>	
<p>8b. Recognition: Tre Harris, Charlottesville Triathlon Club.</p> <ul style="list-style-type: none"> <li>• Thanked the Board of Supervisors and Albemarle County for allowing Charlottesville Triathlon Club to stage their races at Walnut Creek Park over the summer. The use of the park allowed them to donate \$15,000. to four beneficiaries: the Childhood Obesity Task Force, the Free Clinic, the Virginia Institute of Autism, and the Boy's and Girl's Club of Charlottesville/Albemarle.</li> </ul>	
<p>9.2 Key West Lake Dam Easements.</p> <ul style="list-style-type: none"> <li>• <b>AUTHORIZED</b> County Executive to sign the five (5) Permanent Access and Maintenance Easements.</li> </ul>	<p><u>County Attorney:</u> Provide Clerk with copy of signed documents.</p>
<p>9.3 Endorsement to Operate as an Advanced Life Support (ALS) EMS Agency.</p> <ul style="list-style-type: none"> <li>• <b>ENDORSED</b> the upgrade of Seminole Trail Fire Department's EMS License from BLS to ALS Transport.</li> </ul>	<p><u>Dan Eggleston:</u> Notify Seminole Trail Fire Department.</p>
<p>9.4 Policy on Submission of Materials for Zoning Applications (<b>deferred from November 2, 2005</b>).</p> <ul style="list-style-type: none"> <li>• <b>DEFERRED.</b></li> <li>• Mr. Tucker stated staff will review policy with</li> </ul>	<p><u>Clerk:</u> Schedule on December 7<sup>th</sup> Consent Agenda.</p>

	Free Enterprise Forum, Valerie Long and/or other appropriate entities.	
10.	Annual Real Estate Reassessment Ordinance. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> attached ordinance, by a vote of 6:0, to establish an annual reassessment of real property effective January 1, 2007.</li> </ul>	<u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance and County Assessor's office. (Attachment 1)
11.	SP-2004-024. Northtown Center (Sign #8). <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-024, by a vote of 6:0, subject to the one condition recommended by the Planning Commission.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)
12.	From the Board: Matters Not Listed on the Agenda. <u>David Wyant:</u> <ul style="list-style-type: none"> <li>• Wanted to know how the County will deal with small businesses in the Rural Plan. He has discussed the issue with the Zoning Administrator, but it is something that the County will need to deal with.</li> </ul> <u>Sally Thomas:</u> <ul style="list-style-type: none"> <li>• Discussed Mr. Martin's concerns about regulating free speech in commercial areas.</li> </ul> <u>Dennis Rooker:</u> <ul style="list-style-type: none"> <li>• Discussed the Lethal Wrecker issue.</li> <li>• He asked for a report back from staff on the density of Old Trail.</li> </ul>	
13.	Adjourn. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 7:22 p.m.</li> </ul>	

/djm

Attachment 1 – Annual Real Estate Reassessment Ordinance  
Attachment 2 – Conditions of Approval for Planning Item

**ORDINANCE NO. 05-15(3)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE X, REAL ESTATE – IN GENERAL, 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 X, Real Estate - In General, is hereby amended and reordained as follows:

**By Amending:**

- Sec. 15-1000 Biennial assessment of real estate.
- Sec. 15-1002 Time limits for appeals of real estate assessments.

**CHAPTER 15. TAXATION**

**ARTICLE X. REAL ESTATE - IN GENERAL**

**Sec. 15-1000 Annual assessment of real estate.**

A. All real estate in the county shall be assessed annually for purposes of taxation by the director of finance of the county as of January 1 of each year.

B. The office of real estate assessments of the county shall annually conduct a new reassessment of all real property to be applicable for the tax year beginning January 1, 2007, and every tax year thereafter.

C. All assessments of real estate in the county shall be made at one hundred percent (100%) of fair market value.

(§ 8-1.1, 11-3-76; Ord. of 2-5-92; Code 1988, § 8-64; Ord. 98-A(1), 8-5-98)

**State law reference**--Authority to impose tax generally, Constitution of Virginia, Article X, Section 4; Va. Code §§ 58.1-3200 et seq.; Biennial reassessment methods, Va. Code § 58.1-3253; amount of assessment, Constitution of Virginia, Article X, Section 2, Va. Code § 58.1-3201.

**Sec. 15-1002 Time limits for appeals of real estate assessments.**

A. Pursuant to the provisions of Virginia Code § 58.1-3330, all applications for appeals from any annual assessment of real estate must be made by the property owner or lessee to the county assessor by the last business day of February of the year in which the assessment takes effect. A property owner or lessee may also appeal any annual assessment by making an application directly to the board of equalization by March 15 of the year in which the assessment takes effect, or if an appeal has been made to the county assessor within thirty (30) days from the date of the decision of the county assessor, denying an appeal for such assessment, whichever date is later.

B. Applications for appeals from any supplemental assessment or pro rata assessment for new construction assessed between January 1 and October 31 must be made by the property owner or lessee to the county assessor within fifteen (15) days of the date of the notice of the supplemental or pro rata assessment. A property owner or lessee may also appeal any supplemental or pro rata assessment by making an application directly to the board of equalization within thirty (30) days of the date of the notice of the supplemental or pro rata assessment, or if an appeal has been made to the county assessor within thirty (30) days from the date of the decision of the county assessor denying an appeal for such supplemental or pro rata assessment, whichever date is later.

C. The board of equalization shall finally dispose of all annual assessment appeals by September 1 of the year in which the assessment takes effect and of all supplemental or pro rata assessment appeals for new construction by December 31 of the year in which the supplemental or pro rata assessment takes effect.

(§ 8-1.7, 7-12-89; Ord. of 2-5-92; § 8-66, 3-4-98; Ord. 98-A(1), 8-5-98)

**State law reference--Va. Code §§ 58.1-3330, 58.1-3378.**

**This ordinance shall be effective on and after January 1, 2007.**

## ATTACHMENT 2

**SP-2004-024. Northtown Center (Sign #8).** Public hearing on a request in accord w/Sec 24.2.2(13) of the Zoning Ord for drive-in window for bank. TM 45, Ps 110,110A,111,111A&111B. The subject parcel contains approx 15.9 acs. Znd HC,EC&AIA. Loc on E side of Seminole Trail (US Rt 29 N) immediately opposite Lowes & Kegler's. (Also subject of SDP-2004-45. Northtown Center Preliminary Site Plan.) Rio Dist.

1. A by-pass lane, sixteen (16) feet minimum width shall be provided. Striping and lane widths must be shown on the final plan.