

ACTIONS
Board of Supervisors Meeting of January 4, 2006

January 17, 2006

<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 9:00 a.m. by the County Executive, Mr. Tucker. All BOS members were present. Also present were Larry Davis and Debi Moyers. 	
<p>4. Election of Chairman.</p> <ul style="list-style-type: none"> • ELECTED Dennis S. Rooker for Calendar Year 2006. 	
<p>5. Election of Vice-Chairman.</p> <ul style="list-style-type: none"> • ELECTED Kenneth C. Boyd for Calendar Year 2006. 	
<p>6. Appointment of Clerk.</p> <ul style="list-style-type: none"> • REAPPOINTED Ella Carey as Clerk and Debi Moyers as Senior Deputy Clerk for Calendar Year 2006. 	
<p>7. Set Meeting Times, Dates and Places for Calendar Year 2006.</p> <ul style="list-style-type: none"> • SET as follows: first Wednesday of the month at 9:00 a.m., second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> and post notice on door of Courthouse.</p>
<p>8. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.</p> <ul style="list-style-type: none"> • SET as follows: September 13 and December 13, 2006; and March 21 and June 13, 2007. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> as required by Section 33.10.2 of the Zoning Ordinance.</p>
<p>9. Rules of Procedures, Adoption of.</p> <ul style="list-style-type: none"> • ADOPTED as amended at meeting. 	<p><u>Clerk:</u> Forward copy to County Attorney, Planning and Community Development. (Attachment 1)</p>
<p>10. Boards and Commission Policy, Adoption of.</p> <ul style="list-style-type: none"> • ADOPTED. 	<p>(Attachment 2)</p>
<p>11a. Recognition of Robert Walters.</p> <ul style="list-style-type: none"> • Chairman recognized Robert Walters, Albemarle County's Chief of Administration and Taxation, as the first local government official to be certified as both a Master Governmental Deputy Treasurer and Master Deputy Commissioner of the Revenue. 	
<p>11b. Recognition of Mitch Van Yahres.</p> <ul style="list-style-type: none"> • Chairman recognized Delegate Mitch Van Yahres upon his retirement from the General Assembly. 	
<p>12. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Rhett Ripplinger, coordinator for the Rivanna Citizens Committee, said their group is drafting their own Comprehensive Plan Amendment for the Village to be submitted to the County by the 	

<p>March 1st filing deadline.</p> <ul style="list-style-type: none"> • Brian Wheeler, President of the Ivy Community Association, urged the Board to appeal to the Virginia Supreme Court the recent Faulconer decision. • Nancy Dresner, who lives on Brocks Mill Road in the Stony Point area, requested the Board to add Brocks Mill Road to the list of secondary roads for pave in place. • Tom Loach commented on Old Trail rezoning report by Planning staff. Asked the Board not to approve or accept. • Shawn Paul Evans, a resident of Albemarle County, urged the Board to appeal to the Virginia Supreme Court the recent decision on Faulconer Construction. He also encouraged the Board to consider creating a zoning text amendment that differentiates between light and heavy contractors or businesses. • Jeff Werner, of Piedmont Environmental Council, gave Board members a petition with almost 1,000 signatures collected which expressed citizen concerns that the current rate and type of growth in the Albemarle/Charlottesville region is threatening their quality of life. • Neil Williamson, of Free Enterprise Forum, asked that when the County considers ordinance changes and policy changes, they take some effort to determine the fiscal impact those changes will make on the County. • John Martin, who lives in Free Union, asked the Board not to join TJPED. 	
<p>13.2 Qwest Underground Right-of Way License Agreement.</p> <ul style="list-style-type: none"> • AUTHORIZED County Executive to sign the Underground Right-of Way License Agreement on behalf of the County after it has been reviewed and approved by the County Attorney. 	<p><u>County Attorney:</u> Provide Clerk with copy of signed agreement.</p>
<p>14a. Transportation Matters: Six Year Secondary Road Plan (continued from December 7, 2005).</p> <ul style="list-style-type: none"> • Mr. Rooker asked that a letter be written for his signature to Butch Davies regarding Scottsville's Revenue Sharing Request. • Ms. Thomas asked that road names be used in the project column for Attachment B. • Mr. Benish said he will provide to the Board a regular reporting of the status of those projects as they go to advertisement to get a better understanding of what the cost implications are. Mr. Rooker said the Board is talking about the projects that are expected to move forward 	<p><u>Clerk:</u> Proceed as directed.</p> <p><u>David Benish/Juan Wade:</u> Proceed as directed.</p>

<p>during that fiscal year.</p> <ul style="list-style-type: none"> • Ms. Thomas asked staff for the following updates: Recount Midway Road and Sunset Avenue; on Old Lynchburg Road provide a V/C ratio which it currently does not have; and to look at Priority #35-Owensville Road Intersection with 250, and run it through the computer program to see if it is possible for a roundabout. • Ms. Thomas said for information only, if the State task force recommendations on I-81 are followed, the County will have more rail/freight traffic on the Norfolk/Southern railroad crossing that runs along 29 South and the County is going to be facing a lot of railroad crossing expenses. • Mr. Boyd asked staff to look at the format of the Six Year Secondary Road Plan. Mr. Rooker asked staff to develop a one page explanation of what the Secondary Road Priority List is and how it fits into the transportation funding for the area and actual building of projects. • ADOPTED the County Priority List of Secondary Road Improvements and VDOT Six Year Secondary Road Plan (Attachment A). 	
<p>14b. VDOT Monthly Report for December 2005.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>14c. Transportation Matters not Listed on the Agenda.</p> <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> • Asked if Brocks Mill Road was a VDOT road and maintained privately. Mr. Utterback said he understands it is a private road but will verify. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked if the letter Mr. Utterback sent out regarding political signs in the right-of-way had any effect. Mr. Utterback said he will follow-up. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Spoke about letter he received from Butch Davies and handed out to Board members in which Mr. Davies mentioned a couple of projects that are being funded. Mr. Tucker stated he will ask staff to get a clarification on which 64 West exit. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Reiterated Brocks Mill Road request and wants to move it forward. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Brought up installation of light being installed at Dunlora/Rio Road. Asked how old the traffic counts were. Mr. Utterback said it was done last spring. He will get back to Mr. Slutzky with the information. 	<p><u>Clerk:</u> Forward comments to VDOT.</p>

<p>15. Presentation: Department of Social Services Annual Report.</p> <ul style="list-style-type: none"> • PRESENTED by Brenda Doremus-Daniel, current Chairman of the Board of Social Services. 	
<p>16. Discussion: Community Development Authorities.</p> <ul style="list-style-type: none"> • HELD. • Mr. Rooker asked staff to bring back to the Board financial information on service districts. 	<p><u>County Attorney:</u> Proceed as directed.</p>
<ul style="list-style-type: none"> • The Board recessed at 11:03 a.m. and reconvened at 11:13 a.m. 	
<p>17. Update on signs in right-of-way.</p> <ul style="list-style-type: none"> • DEFERRED until February 1, 2006. 	<p><u>Clerk:</u> Schedule on February 1st agenda.</p>
<p>18. Discussion: Overlot grading.</p> <ul style="list-style-type: none"> • HELD. CONSENSUS of the Board for staff to bring back a Resolution of Intent to amend the subdivision, zoning, and water protection ordinances to include requirements for the drainage grading plan. 	<p><u>Mark Graham:</u> Proceed as directed. <u>Clerk:</u> Schedule on February 8th consent agenda.</p>
<p>19. Discussion: Old Trail Village and Crozet Master Plan Build-Out Potential.</p> <ul style="list-style-type: none"> • HELD. The Board AFFIRMED their understanding regarding the 2024 population estimate of the Crozet Master Plan as the basis for meeting infrastructure and service needs. 	
<p>20. Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> • At 12:17 p.m., the Board went into closed session to consider appointments to boards, committees, and commissions; to discuss with legal counsel matters of pending litigation regarding a site plan denial, an appeal of a tax assessment, and a personnel dispute; to discuss with legal counsel and staff a specific matter requiring legal advice related to public safety operations; and to discuss with legal counsel and staff a specific matter requiring legal advice related to an interjurisdictional agreement for joint court facilities and the negotiation of a related contract. 	
<p>21. Certified Close Session.</p> <ul style="list-style-type: none"> • At 2:08 p.m., the Board reconvened into open session and certified the closed session. 	
<p>22. Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Betty Black to the Community Mobility Committee with said term to expire January 12, 2007. • REAPPOINTED Brenda Doremus-Daniel, as the Rio District representative on the Social Services Board, with said term to expire December 31, 2009. • REAPPOINTED C. Marshall Thompson, as the Rio District representative on the Equalization 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book and notify appropriate persons.</p>

<p>Board, with said term to expire December 31, 2006.</p> <ul style="list-style-type: none"> • APPOINTED Blake Hurt, as the Rivanna District representative on the Industrial Development Authority, with said term to expire December 19, 2010. • REAPPOINTED Thomas McQueeney, as the Rio District representative on the Industrial Development Authority, with said term to expire December 19, 2010. • APPOINTED Christian Schoenewald to the RSWA Citizens Advisory Committee with said term to expire December 31, 2007. • APPOINTED Eric Strucko, as the Samuel Miller District representative on the Planning Commission, with said term to expire December 31, 2009. • APPOINTED Jon Cannon, as the Rio District representative on the Planning Commission, with said term to expire December 31, 2009. • REAPPOINTED Marcia Joseph, as the At-Large representative on the Planning Commission, with said term to expire December 31, 2007. • APPOINTED Lindsay Dorrier to the Jail Authority Board with said term to expire December 31, 2007. • Requested that Robert Wilcox act as an advisor to the Community Mobility Committee on railway issues. 	
<ul style="list-style-type: none"> • Non-Agenda. <ul style="list-style-type: none"> • Ms. Thomas offered motion which was seconded by Mr. Slutzky to appeal the decision in the case of Faulconer Construction to the Virginia Supreme Court. Motion FAILED by a vote of 1:5. 	
<p>23. FY 2006 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED FY 2006 Budget Amendment in the amount of \$806,085.28. • APPROVED FY 2006 Appropriations #2006037, #2006038, #2006039, #2006040, and #2006041. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance, OMB, and copy appropriate individuals.</p>
<p>24. Chitester Property – Request to amend the Albemarle County Service Authority Jurisdictional Area.</p> <ul style="list-style-type: none"> • APPROVED request, by a vote of 6:0, to amend the Jurisdictional Area Boundary to provide water and sewer service to Tax Map 55, Parcel 50 located in the Crozet Community. 	<p><u>Rebecca Ragsdale:</u> Notify applicant/Albemarle County Service Authority.</p>
<p>25. Ordinance to Amend Chapter 15, Taxation of the County Code to provide for Personal Property Tax Relief.</p>	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance.</p>

<ul style="list-style-type: none"> • ADOPTED the attached ordinance, by a vote of 6:0. 	(Attachment 3)
26. ZMA-2004-017. Wickham Pond (Sign #64). <ul style="list-style-type: none"> • APPROVED ZMA-2004-017, by a vote of 5:1, as proffered January 4, 2006. 	<u>Sarah Baldwin</u> : Post on County website. (Attachment 4)
27. SP-2005-010. Bart Neumann – Boat Dock 315 Rivanwood Place (Sign #42). <ul style="list-style-type: none"> • APPROVED SP-2005-010, by a vote of 6:0, subject to the four conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
28. SP-2005-030. Michael Caplin Boat Dock (Sign #47). <ul style="list-style-type: none"> • APPROVED SP-2005-030, by a vote of 6:0, subject to the three conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
29. SP-2004-004 Lewis & Clark Exploratory Center (Sign #89,92,94). <ul style="list-style-type: none"> • APPROVED SP-2004-004, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission with condition number one being modified at the meeting. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
30. Work Session: FY07-FY10 Strategic Plan. <ul style="list-style-type: none"> • DEFERRED until January 11, 2006, 2:30 p.m. 	<u>Clerk</u> : Schedule on January 11 th agenda and send email to remind Board members.
31. Work Session: North Pointe Rezoning. <ul style="list-style-type: none"> • HELD. • Schedule another work session for February 8, 2006. Staff to bring back the following information for the next work session: <ol style="list-style-type: none"> 1. Commercial absorption and fiscal impact reports. 2. Analyses of proffers that were discussed today. 3. Guarantee for residential development concurrent with commercial development. 4. Staff renderings of the commercial area that have been presented before. 5. Special Use Permit conditions related to the overlot grading. 6. Timing for southbound 29 improvements in terms of time as opposed to triggers of size of development. 7. Affordable housing issue. 	<u>Clerk</u> : Schedule on February 8 th agenda. <u>Mark Graham/Elaine Echols</u> : Proceed as directed.
32. From the Board: Matters Not Listed on the Agenda. <u>Bob Tucker</u> : <ul style="list-style-type: none"> • Would like for the Board to approve additional funding for the Juvenile Court project in the amount of \$1,995, 232.00 based on an agreement with the City for a 60/40 split on the parking costs of \$2,872,072. and a \$239.35 per square foot cost for construction of the Sheriff's 	<u>Tom Foley/Larry Davis</u> : Notify City.

<p>space of 3,521 square feet. Motion was offered by Mr. Boyd which was seconded by Mr. Dorrier to approve the additional funding. Motion PASSED by a vote of 6:0.</p> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Wants to include on the agenda for discussion the Gardner dump site and dump sites in general. Mr. Rooker asked that staff provide a report on this issue. 	<p><u>Clerk:</u> Advertise and schedule for February 8th agenda.</p>
<p>28. Adjourn to January 11, 2006, 2:30 p.m.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 6:35 p.m. 	

/djm

Attachment 1 – Rules of Procedures

Attachment 2 – Boards and Commissions Policy

Attachment 3 – Ordinance to Amend Chapter 15, Taxation of the County Code to provide for Personal Property Tax Relief

Attachment 4 – Conditions of Approval for Planning items

**RULES OF PROCEDURE
ALBEMARLE BOARD OF COUNTY SUPERVISORS**

A. *Officers*

1. *Chairman.* The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code Sections 15.2-1422 and 15.2-1423)
2. *Vice-Chairman.* The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code Section 15.2-1422)
3. *Term of Office.* The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code Section 15.2-1422)
4. *Absence of Chairman and Vice-Chairman.* If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code Section 15. 2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code Section 15.2-1416)

C. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code Section 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code Section 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code Section 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code Section 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code Section 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code Section 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. *Order of Business*

The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for "From the Public: Matters Not Listed on the Agenda".

Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board's preference that a public hearing should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing.

E. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code Section 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. (Article VII, Section 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code Section 15.2-1428)

3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by the majority vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by Robert's Rules of Order.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006).

**ALBEMARLE COUNTY BOARD OF SUPERVISORS
POLICY FOR BOARDS AND COMMISSIONS**

A. CREATION OF NEW BOARDS AND COMMISSIONS

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. All magisterial positions will be advertised. At the discretion of the supervisor of that district, selected applicants may be interviewed for the position.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available will be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

C. ADOPTION

This policy shall be reviewed and readopted by the Board of Supervisors in January.

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006)

ORDINANCE NO. 06-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XI, PERSONAL PROPERTY – IN GENERAL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

WHEREAS the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS these legislative enactments require the county to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the county, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles, and provide the opportunity for the county to fashion a program of tax relief that serves the best interests of its citizenry;

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article XI, Personal Property – In General, is hereby amended and reordained as follows:

By Adding:

Sec. 15-1103 Personal property tax relief

CHAPTER 15. TAXATION

ARTICLE XI. PERSONAL PROPERTY - IN GENERAL

* * * * *

Sec. 15-1103 Personal property tax relief.

A. Purpose; definitions; relation to other sections.

1. The purpose of this section is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* (“PPTRA”) effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

2. Terms used in this section that have defined meanings set forth in the PPTRA shall have the same meanings as set forth in Virginia Code § 58.1-3523.

3. To the extent that the provisions of this section conflict with any other provision of the county code, this section shall control.

B. Method of computing and reflecting tax relief.

1. For tax years commencing in 2006, the county adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the PPTRA and the reporting of such specific dollar relief on the tax bill.

2. Any amount of the PPTRA relief not used within the county's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

3. Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

C. Allocation of relief among taxpayers.

1. Allocation of the PPTRA relief shall be provided in accordance with the general provisions of this section.

2. Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.

3. Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is calculated fully to use all available state PPTRA relief.

D. Transitional provisions.

1. Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the county director of finance is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

2. Penalty with respect to bills issued pursuant to subsection (D)(1) of this section shall be computed on the entire amount of tax owed. Interest with respect to bills issued pursuant to subsection (D)(1) of this section shall be computed at the percentage provided in section 15-100 (E) from the due date of the supplemental personal property tax bill provided for in subsection (D)(1) herein.

State law reference – Va. Code § 58.1-3524(C); Item 503, Chapter 951, 2005 Acts of Assembly (Ord. 06-15(1), 1-4-06, effective 1-1-06)

This ordinance shall be effective on and after January 1, 2006.

Conditions of Approval

Agenda Item No. 26. **ZMA-2004-017. Wickham Pond (Sign #64).** Request to rezone 20.52 from RA to NMD to allow combination of 107 single -family detached & condominium/townhouse residential units. TM 56 P 92. Loc on 5023 Three Notch'd Rd (Rt 240) approx 1,000 ft from intersec of Rt 240 & Highlands Drive, also known as entrance to The Highlands Subdivision. (The Crozet Master Plan of the Comp Plan designates this property as Development Area Preserve [CT-1], Urban General [CT-4] & Urban Edge [CT-3]. White Hall Dist (**deferred from December 7, 2005**).

Original Proffer X

PROFFER FORM

Date of Proffer Signature: 1/04/06
 ZMA# 2004-17
 Tax Map 56 Parcel Number 92

20.52 Acres to be rezoned from RA to NMD (Neighborhood Model Development) in accordance with the Code of Development (dated July 8, 2005) and Application Plan (dated July 8, 2005)

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned with the offered plans approved for development. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions and (2) such conditions have a reasonable relation to the rezoning request.

1. The owner shall contribute \$300,000 cash to the County's capital improvement program for the purpose of mitigating impacts from this development. The cash contribution shall be used for transportation improvements, schools, libraries, fire and rescue, parks or any other public use serving the Community of Crozet as identified in the Comprehensive Plan. Contributions shall be made in increments of \$3,225.81 cash per lot, prior to or at the time of issuance of a building permit for any improvement thereon.
2. There shall be a maximum of 107 dwelling units on 93 lots in the development. Ninety-three units are illustrated on the General Development Plan, identified as the Application Plan, prepared by Terra Concepts, PC, dated May 2, 2005, last revised July 8, 2005 (the "General Development Plan"). Fourteen of the 93 units are identified on the General Development Plan as housing types "E" and "F". These fourteen units shall be constructed and maintained as two-family dwellings as defined in the Virginia Uniform Statewide Building Code. The declaration of covenants for Wickham Pond shall contain this language for the 14 units: "The townhouse units on Lots 57-66 and Lots 1, 14, 17 and 18 within Wickham Pond are constructed and must be maintained as a two- family dwelling as defined in the Virginia Uniform Statewide Building Code."
3. In order to protect views from abutting lots within the Highlands Subdivision, the lot lines for Parcels 48 through 54, and the building locations thereon shall be in substantial accord with such lot lines and building locations as shown on the General Development Plan. Variations to such lot lines and building locations may be authorized under Zoning Ordinance § 8, including Zoning Ordinance § 8.5.5.3 provided that, in addition to all other applicable requirements, the Director determines that the variations do not materially and adversely affect such views to a greater degree than if such lots were platted and developed in the locations shown on the General Development Plan.

Marc C. Powell (signed) Weather Hill Holdings, Ltd. January 4,
2006

Agenda Item No. 27. **SP-2005-010. Bart Neumann - Boat Dock 315 Rivewood Place (Sign #42).** PROPOSED: Private boat dock on the South Fork Rivanna Reservoir. ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); FH--Flood Hazard: overlay to provide safety and protection from flooding. SECTION: 30.3.05.2.1(2) Water Related Uses within the Floodway. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (.5 unit/acre). LOCATION: Dock to be placed at west side of the Reservoir (TMP 45-67A), approximately 0.60 mile upstream of the Earlysville Road (Route 743) bridge crossing. Dock to serve Neumann property (TMP 45-185). MAGISTERIAL DISTRICT: Rio.

1. There shall be no lighting within twenty-five (25) horizontal feet of the Reservoir, measured from the elevation of normal pool, which is Elevation 382. See Attachment H (copy on file in Clerk's office);
2. There shall be no removal of vegetation or earth disturbance within the two hundred (200)-foot stream buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 390. See Attachment H;
3. There shall be no other structures, such as decking or stairs, constructed in the two hundred (200)-foot stream buffer; and
4. Vegetation shall be allowed to naturally regenerate in the buffer area between the normal pool elevation of the Reservoir (Elevation 382) and the elevation of the edge of the floodplain (Elevation 390), where mowing has historically taken place. See Attachment H.

Agenda Item No. 28, **SP-2005-030. Michael Caplin Boat Dock (Sign #47).** PROPOSED: Private boat dock on the South Fork Rivanna Reservoir. ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); FH--Flood Hazard: overlay to provide safety and protection from flooding. SECTION: 30.3.05.2.1(2) Water Related Uses within the Floodway. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (.5 unit/acre). LOCATION: Dock to be placed at west side of the Reservoir (TMP 45-67A), approximately 0.70 mile upstream of the Earlysville Road (Route 743) bridge crossing. Dock to serve Caplin property (TMP 45-187). MAGISTERIAL DISTRICT: Rio.

1. There shall be no lighting within twenty-five (25) horizontal feet of the Reservoir, measured from the elevation of the normal pool, which is Elevation 382. See Attachment H (copy on file in Clerk's office);
2. There shall be no removal of vegetation or earth disturbance within the two hundred (200)-foot buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 390. See Attachment H; and
3. There shall be no other structures, such as decking or stairs, constructed in the two hundred (200)-foot stream buffer.

Agenda Item No. 29. **SP-2004-004 Lewis & Clark Exploratory Center (Sign #89,92,94).** Request to allow establishment of the Lewis and Clark Exploratory Center of Virginia, in accord w/Zoning Ord Secs 10.2.2.49 & 13.2.2.13, which allow for historical center & modification to Sec 5.1.42. In addition to 15,000 sq ft bldg, trails & constructed exhibits are proposed. Special events & festivals may also be requested. The park property, TM 62 P 23, contains total of approx 102 acres. Znd RA, R-1, EC & FHO. The proposed site is located on approx 18 acres at northern end of Darden Towe Park, on W side of Stony Point Rd (Rt 20 N), approx one-half mile N of intersec w/Richmond Rd (Rt 250 E). Rivanna Dist.

1. The site shall be developed in general accord with all sheets of the plan entitled "Lewis & Clark Exploratory Center," revised October 18, 2005 and prepared by Nelson, Byrd, Woltz. Setbacks indicated in the table on sheets L3.1 and L3.2 do not set increased minimum setbacks;
2. The top of the Lookout Tower, measured in elevation above mean sea level, shall not exceed [AMSL + 35]. The approved height shall at no time be taller than the tallest tree within twenty-five (25) feet of the Lookout Tower, and shall include any base, foundation or grading that raises the tower above the pre-existing natural ground elevation;
3. A maximum of twelve (12) special events, in accordance with Section 5.1.42.i, are authorized per calendar year;
4. A maximum of four (4) festivals, in accordance with Section 5.1.42.j, are authorized per calendar year;
5. A lighting plan and a landscaping plan shall be submitted, reviewed, and approved by the Architectural Review Board prior to final site plan development plan approval;
6. In accordance with Section 32.7.9.9, a twenty (20) percent tree canopy shall be required for the site based on the disturbed area for the historical center building, parking, and access road;
7. Prior to any grading or construction activity, the limits of the one hundred (100)-year flood plain and stream buffers, where adjacent to constructed proposed improvements including the amphitheater, timber fort, lookout tower, entrance road and retaining wall, shall be flagged at ten (10)-foot intervals by a land surveyor to prevent encroachment land disturbing activity, storage of construction equipment or materials, and actual construction of improvements during construction;
8. Outdoor amplified noise is not allowed on site; and
9. As stipulated in the lease agreement between the applicant and the City and County, the proposed improvements are to be reviewed by the City and County prior to construction to make sure there are alternative uses available for the improvements should the venture fail.