

ACTIONS Board of Supervisors of May 10, 2006 3:00 P.M., Room 235	
May 12, 2006	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> • Meeting was called to order at 3:07 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, Tom Foley, Mark Graham, Lori Allshouse, Ron White and Ella Carey. 	
2a. Work Session: Mountain Overlay District Committee Proposed Framework. <ul style="list-style-type: none"> • HELD. • DISCUSSED holding an informational meeting and scheduling a joint public hearing with the Planning Commission. 	<u>Joan McDowell</u> : Proceed as discussed.
2b. Work Session: Rural Areas Implementation, Phasing, Clustering and Family Division. <ul style="list-style-type: none"> • HELD. • DISCUSSED holding an informational meeting and scheduling a joint public hearing with the Planning Commission. 	<u>David Benish</u> : Proceed as discussed.
3. Recess. <ul style="list-style-type: none"> • The Board recessed at 4:45 p.m. 	
ACTIONS Board of Supervisors of May 10, 2006 6:00 P.M., Burley Middle School Auditorium	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
4. Call to Order. <ul style="list-style-type: none"> • Meeting was called to order at 6:01 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, Mark Graham, Wayne Cilimberg and Ella Carey. 	
7. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • There were none. 	
8a. Proclamation – Emergency Medical Services Week. <ul style="list-style-type: none"> • Chairman read and presented to Dan Eggleston. 	(Attachment 1)
8b. Proclamation – Police Memorial Week. <ul style="list-style-type: none"> • Chairman read. 	(Attachment 2)
9.1 Key West Dam - Authorize an additional \$180,000.00 to proceed with construction/repair. <ul style="list-style-type: none"> • APPROVED an appropriation of an additional \$180,000 from the Stormwater CIP fund to complete the repair to the Key West Lane dam. 	<u>OMB</u> : Forward appropriation form.
9.2 Resolution to accept road(s) in Springridge Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> • APPROVED. 	<u>Clerk</u> : Forward signed resolution and signed Form AM-4.3 to Greg Cooley. (Attachment 3)
9.3 Resolution to Authorize Rivanna Water & Sewer Authority to Sign the DEQ Grant Contract and Other	<u>Clerk</u> : Forward signed resolution to Tom Frederick. (Attachment 4)

<p>Appropriate Documents Related to the Source Water Planning Grant and the Regional Source Water Supply Plan.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	
<p>10. <u>Ordinance to amend Chapter 8, Licenses, Article VI, Schedule of Taxes</u>, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, Virginia, by amending Section 8-617, Retailers or retail merchants. (continued from May 5, 2006).</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 4:2, the attached ordinance. 	<p><u>Clerk</u>: Forward signed ordinance to County Attorney's office and Finance. (Attachment 5)</p>
<p>11. <u>ZMA-2000-09 and SP-2002-72. North Pointe.</u></p> <ul style="list-style-type: none"> • DEFERRED to June 7, 2006. 	
<p>12. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
<p>13. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:50 p.m. 	

/ewc

- Attachment 1 – Proclamation – Emergency Medical Services Week
- Attachment 2 – Proclamation – Police Memorial Week
- Attachment 3 – Resolution - Springridge Subdivision
- Attachment 4 – Resolution - Rivanna Water & Sewer Authority
- Attachment 5 – Ordinance to amend Chapter 8, Licenses, Article VI, Schedule of Taxes,

Emergency Medical Services Week

- WHEREAS,** *emergency medical services is a vital public service; and*
- WHEREAS,** *the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*
- WHEREAS,** *access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*
- WHEREAS,** *the emergency medical services system consists of communication officers, emergency medical technicians, firefighters, law enforcement officers, educators, administrators, hospital and rehabilitation personnel, and others; and*
- WHEREAS,** *the members of emergency medical services teams, volunteer and career, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*
- WHEREAS,** *it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;*
- NOW, THEREFORE, BE IT RESOLVED** *that I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim*

May 14-20, 2006

as

Emergency Medical Services Week

with the theme

EMS: Our Community's Front Line Response

in Albemarle County, Virginia, and encourage the community to observe this week with appropriate programs, ceremonies and activities.

NATIONAL POLICE MEMORIAL WEEK

WHEREAS, May 15 of each year was proclaimed "**Police Officer's Memorial Day**" by President John F. Kennedy on October 1, 1962, in honor of those peace officers who, through their courageous deeds, have lost their lives or become disabled in the performance of duty; and

WHEREAS, Albemarle County is faithfully served by a professional and committed Police Department whose men and women are dedicated to providing outstanding service to the community; and

WHEREAS, these days of increasing fear, rising crime, reckless acts of violence, recall to our minds President Kennedy's words of praise for these officers as "**truly men and women of courage, judgment and dedication**;" and

WHEREAS, we share his sentiments and agree that it is time to remind the public of the day-by-day heroism of our officers, both those on active duty and those who have given their lives in the line of duty; and

WHEREAS, we will be recognizing Police Memorial Day in Albemarle County with a special ceremony to be held on May 17, 2006;

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

May 14 through May 20, 2006, as

NATIONAL POLICE MEMORIAL WEEK

and call upon all citizens to recognize the significant efforts and accomplishments of these officers.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 10th day of May 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Springridge Subdivision**, described on the attached Additions Form LA-5(A) dated **May 10, 2006**, 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 street(s) in **Springridge Subdivision**, as described on the attached Additions Form LA-5(A) dated **May 10, 2006**, 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 LA-5(A) is:

- 1) **Shadybrook Trail (State Route 1341)** from the intersection of Route 1521 (Powell Creek Drive) to the intersection of Route 1342 (Turnberry Circle) as shown on plat recorded 12/11/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 50-foot right-of-way width, for a length of 0.22 miles.
- 2) **Turnberry Circle (east) (State Route 1342)** from the intersection of Route 1341 (Shadybrook Trail) to the cul-de-sac as shown on plat recorded 12/11/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 60-foot variable right-of-way width, for a length of 0.42 miles.
- 3) **Turnberry Circle (west) (State Route 1343)** from the intersection of Route 1341 (Shadybrook Trail) to the intersection of Route 1342 (Turnberry Circle) as shown on plat recorded 12/11/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 60-foot variable right-of-way width, for a length of 0.35 miles.

Total Mileage – 0.99 miles

RESOLUTION

Resolution to Authorize Rivanna Water & Sewer Authority to Sign the DEQ Grant Contract and Other Appropriate Documents Related to the Source Water Planning Grant and the Regional Source Water Supply Plan

WHEREAS, the Virginia General Assembly has mandated the development of water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

WHEREAS, based upon these regulations, Albemarle County is required to complete a water supply plan by November 2, 2008 that fulfills the regulations, and

WHEREAS, the Virginia Department of Environmental Quality (DEQ) has announced the availability of grant funds, subject to inclusion of such funds in the General Assembly's adopted budget for FY 2007, to assist localities offset some of the costs related to development of these plans, and

WHEREAS, DEQ is encouraging localities to submit applications for grant funds to develop regional water supply plans of multiple local government jurisdictions, and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all local government jurisdictions participating, and

WHEREAS, the Rivanna Water & Sewer Authority has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process, and

WHEREAS, the Rivanna Water & Sewer Authority desires to participate in a regional water supply plan that will serve the needs of Albemarle County and other localities in the region, and desires to secure DEQ grant funds to help offset the cost of the plan development.

NOW THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the Rivanna Water & Sewer Authority to develop an application for water supply planning grant funds and to develop a regional water supply plan which will meet mandated regulations, and

BE IT FURTHER RESOLVED that the Rivanna Water & Sewer Authority is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan.

ORDINANCE NO. 06-8(1)

AN ORDINANCE TO AMEND CHAPTER 8, LICENSES, ARTICLE VI, SCHEDULE OF TAXES, DIVISION IV, PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS, 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 8, Licenses, Article VI, Schedule of Taxes, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, is hereby amended and reordained as follows:

By Amending:

Sec. 8-617 Retailers or retail merchants

CHAPTER 8. LICENSES

ARTICLE VI. SCHEDULE OF TAXES

**DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS OR
REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS**

Sec. 8-617 Retailers or retail merchants.

Each person engaged as retailer or retail merchant shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged as a retailer or retail merchant shall be subject to a license tax of twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts, other than as provided in subsection (B) herein.

B. Each person engaged as a retailer or retail merchant shall be subject to a license tax of ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for direct retail sales. For purposes of this section, a "direct retail sale" is defined as a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

C. Retailers or retail merchants include, but are not limited to, the following:

- Aircraft or aircraft parts.
- Alcoholic beverages.
- Antiques.
- Auto accessory, tire, battery.
- Automobile graveyards.
- Auto sales, motor vehicle dealers.
- Bakeries, caterers.
- Bicycles.
- Boats, motors.
- Books, stationery.
- Building materials.
- Candy, nut stores.
- Cigar, tobacco stands, newsstands.
- Confectionery.
- Custom tailor.
- Dairy products.
- Delicatessen.
- Department stores.

Drapery, curtain, upholstery.
Drugs.
Dry goods stores.
Eggs, poultry.
Family clothing.
Farm equipment.
Filling stations.
Firearms.
Fish, seafood market.
Floor covering.
Florists.
Fruit stores, vegetable markets.
Fuel, ice.
Furniture.
Furriers.
Garden supplies.
General stores.
Gift, novelty, souvenir.
Grocery.
Hardware.
Heating, plumbing, electrical equipment.
Hog, grain, feed, seed.
Hosiery.
Jewelry.
Junk or secondhand merchandise.
Lightning rods.
Luggage.
Lumber goods.
Meat markets.
Men's and boy's clothing.
Millinery.
Motorcycle.
Musical instrument.
Office, store, appliance supply.
Optical.
Other clothing.
Paint, glass, wallpaper.
Photographic, supply, equipment.
Radio, television or household appliances.
Restaurants, eating places, nightclubs.
Secondhand stores, other than junk.
Scientific, medical supplies.
Shoes.
Soda fountain.
Sporting goods.
Travel bureau or tour agent.
Used cars.
Variety stores.
Workmen's clothing.

All other retail stores and retail merchants' occupations, businesses or trades not included herein and not otherwise taxed by this chapter.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; Ord. 98-A(1), 8-5-98; Ord. 06-8(1), 5-10-06)

State law reference--Va. Code § 58.1-3703.

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