

ACTIONS

Board of Supervisors Meeting of December 6, 2006

December 11, 2006

1.	<p>Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:04 a.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey. 	
4.	<p>Recognitions.</p> <ul style="list-style-type: none"> Gary Dillon, Executive Director, Accreditation Committee; Charlottesville Police Chief, Tim Longo; and Albemarle County Police Chief, John Miller; were present and recognized Sherriff Robb and the Sheriff's Department, for their recent reaccreditation. 	
5.	<p>From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <u>Scott Elliff</u>, resident of Forest Lakes Subdivision, presented a petition with 850 signatures in opposition to the proposed Ashwood Boulevard Connector Road. <u>Dave Phillips</u>, of the Charlottesville Area Association of Realtors, expressed a desire to learn more about David Slutzky's proposed transfer of development rights (TDR) proposal. <u>Jay Willer</u>, of the Blue Ridge Homebuilders Association, expressed interest in learning more about David Slutzky's TDR proposal. <u>Jerry McCormick-Ray</u>, of Citizens for Albemarle, expressed concern about the rate of growth in the County. She also expressed interest in hearing more about David Slutzky's proposal. <u>A.C. Shackelford</u> said he does not endorse David Slutzky's TDR proposal, but asked that the Board give it consideration. <u>Gina Haney</u>, of Preservation Piedmont, asked that the County work to preserve Pleasant Grove Baptist Church as a historic structure. <u>Jeff Werner</u>, of Piedmont Environmental Council, asked the Board to support Pleasant Grove Baptist Church as a historic structure. Following a discussion by the Board of the concerns expressed about the proposed Ashwood Connector, it was decided that staff bring back, as an agenda item, in February a discussion on the right-of-way issue. Staff to also request a representative from TJPDC to be present to address where they are in the process, how the connections fit, public input, traffic studies, etc. 	<p><u>Clerk</u>: Schedule on February 7th agenda. <u>David Benish</u>: Prepare for discussion in February.</p>
6.2	<p>Resolution – Watch for Child Playing signs on Bleak House Road (Route 662).</p> <ul style="list-style-type: none"> ADOPTED resolution by a vote of 6:0. 	<p>(Attachment 1)</p> <p><u>Clerk</u>: Forward resolution to Juandiego Wade.</p>

6.3	<p>Resolution – Watch for Child Playing signs on Gristmill Drive (Route 1157).</p> <ul style="list-style-type: none"> • ADOPTED resolution by a vote of 6:0. • Ms. Thomas asked that the staff look at the fee for “Watch for Child Playing signs” in conjunction with other service fees. 	<p>(Attachment 2)</p> <p><u>Clerk:</u> Forward resolution to Juandiego Wade.</p> <p><u>Mark Graham:</u> Consider as part of fee schedule.</p>
6.4	<p>Native Meadow Road Name Change to Zack Lane.</p> <ul style="list-style-type: none"> • APPROVED the change in the road name from Native Meadow Road to Zack Lane and GRANTED staff the authority to coordinate/ implement the change. 	<p><u>Tex Weaver:</u> Proceed as approved.</p>
6.5	<p>Resolution authorizing the issuance of revenue bonds, pursuant to the Industrial Development and Revenue Bond Act, by the Charlottesville Authority in an amount not to exceed \$170,000,000 for the benefit of the University of Virginia Foundation.</p> <ul style="list-style-type: none"> • ADOPTED resolution by a vote of 6:0. 	<p>(Attachment 3)</p> <p><u>Clerk:</u> Forward resolution to Stephen Johnson, Bond Counsel.</p>
6.6	<p>Resolution to appoint Assistant Fire Marshal (Gary Rodney Snead) pursuant to Virginia Code.</p> <ul style="list-style-type: none"> • ADOPTED resolution by a vote of 6:0. 	<p>(Attachment 4)</p> <p><u>Clerk:</u> Forward resolution to Dan Eggleston.</p>
6.7	<p>Health Department carry-over funding request.</p> <ul style="list-style-type: none"> • APPROVED the Health Department’s request to retain \$19,026 in FY06 local carry-over funds. 	<p><u>Roxanne White:</u> Notify Health Department of Board’s approval.</p>
6.8	<p>Amendment of Commission on Children and Families Agreement to change Fiscal Agent.</p> <ul style="list-style-type: none"> • ADOPTED the resolution and APPROVED the amended Agreement between the Albemarle County Board of Supervisors and the Charlottesville City Council on the Commission on Children and Families, which transfers the fiscal agent responsibilities from the City to the County effective January 1, 2007. 	<p>(Attachment 5)</p> <p><u>Clerk:</u> Forward copy of resolution to Gretchen Ellis. Forward agreement and resolution to Marsha Davis to coordinate signature of City officials.</p>
6.9	<p>Turkey Sag Road (Route 640) Paving Request by private citizen.</p> <ul style="list-style-type: none"> • APPROVED Mr. Craig’s proposal to pave this 4600 foot section of Turkey Sag Road to VDOT Rural Rustic Road standards. • Ms. Thomas asked that, in the future, as part of the Board’s criteria and mapping, the conservation easements are shown on the maps. There was no objection from other Board members. 	<p><u>Juandiego Wade:</u> Notify Mr. Craig of the Board’s approval. Include information as requested by Board.</p>
6.10	<p>Revised FY 2007/2008 Budget and CIP Events Calendar.</p> <ul style="list-style-type: none"> • APPROVED the following revised calendar dates for the 2007/2008 budget: March 7 – public hearing on recommended budget; March 12, 14, 19 and 21 – Board work sessions; April 4 – 2nd budget public hearing; and April 11 – adoption of budget and setting of tax rates. 	<p><u>Clerk:</u> Notify Superintendent and School Board office.</p>
6.11	<p>Revisions to the Charter and By-laws of the Central Shenandoah Criminal Justice Training Academy.</p>	<p>(Attachment 6)</p>

	<p>needs some work.</p> <p><u>Ken Boyd</u></p> <ul style="list-style-type: none"> • Ask if certain sections of Stony Point Pass could be paved as a Rustic Rural Road. • Asked about work on Rocky Hollow Road. Mr. Sumpter said work suspended due to winter weather, but will be completed quickly in the spring. • Asked about comment in report that transportation funding shortfall will possibly extend ad date on the Meadow Creek Parkway. He supports shifting additional funds to keep that date on schedule. Mr. Sumpter said that information needs to be revised; they are working with County staff to get funding set. • Suggested that VDoT observe the gridlock at the intersection of Route 250/Route 20, between 4:30 p.m. and 5:00 p.m. Mr. Sumpter said VDoT will follow up. <p><u>David Slutzky</u></p> <ul style="list-style-type: none"> • Asked VDoT to take a look at the traffic configuration at the corner of Greenbrier and Rio Roads to see if any changes could be made. Drivers coming out of the gas station have a light and a right of way that they have to yield to when they are heading north, but want to turn left. <p><u>Dennis Rooker</u></p> <ul style="list-style-type: none"> • Asked for an update on the right of way process for the Meadow Creek Parkway. He would like to know what percentage of parcels have accepted offers, if they will have to issue certificates of take, or if it looks like negotiation settlements are likely. He would also like to know the status of City funding. Mr. Sumpter said he has been working with the City on the stream water management portion. Modifications might have significant impact on the cost of the interchange, making it lower. • Mentioned traffic gridlock on Garth Road and Georgetown Road in the late afternoon. • ADOPTED, the attached resolution, by a vote of 6:0, opposing VDoT's closure of the Free Union area headquarters. 	<p><u>Clerk:</u> Fax copy of resolution to Allan Sumpter.</p>
9.	<p>JAUNT Annual Report, Donna Shaunneseey.</p> <ul style="list-style-type: none"> • RECEIVED. 	
	<p>The Board recessed at 10:58 a.m. and reconvened at 11:05 a.m.</p>	
10.	<p><u>Appeal: SUB-2006-224. Rolling Meadows – Request for Private Street to serve 4 lots.</u></p> <ul style="list-style-type: none"> • DEFERRED until February 7, 2007. • One of the criteria for granting a waiver for private streets is that the developer cannot 	<p><u>Clerk:</u> Schedule on February 7, 2007 agenda. <u>Bill Fritz:</u> Follow-up on policy request.</p>

	<p>have more lots on private streets than could have been created on public streets. Staff generally has not consulted with VDOT to determine if a public street could have been approved. The Board DIRECTED staff to change the practice/policy and require a review by VDOT to establish whether a public street could be built to determine whether the criteria for the waiver could be met.</p>	
11.	<p>Charlottesville Free Clinic Building Proposal.</p> <ul style="list-style-type: none"> • APPROVED preliminary concept approval of the CFC Board's request to proceed forward with its plan to build a 12,600 square foot building on County and City jointly owned property adjacent to the Health Department. 	<u>Roxanne White</u> : Proceed as approved.
12.	<p>Community Engagement Program.</p> <ul style="list-style-type: none"> • SUPPORTED the creation of a Community Engagement Specialist position and DIRECTED staff to bring back an appropriation request with the intent of hiring this position in Spring 2007. 	<u>Lee Catlin</u> : Proceed as approved.
13.	<p>Albemarle County Transferable Development Rights (TDR) Proposal</p> <ul style="list-style-type: none"> • RECEIVED. 	
14.	<p>Closed Session. Personal and Legal Matters.</p> <ul style="list-style-type: none"> • At 1:16 p.m., the Board went into closed session to consider appointments to boards, committees and commissions; to discuss the acquisition of property necessary for an addition to a County library; to discuss a prospective business interested in locating in the County; and to consult with legal counsel regarding specific legal matters requiring legal advice relating to the settlement of a contract dispute. 	
15.	<p>Certify Closed Session.</p> <ul style="list-style-type: none"> • At 2:23 p.m., the Board reconvened into open session in Lane Auditorium and certified the closed session. 	
16.	<p>Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Jamie Spence to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2008. • APPOINTED Reed Muelman to the RSWA Citizens Advisory Committee, with said term to expire December 31, 2008. • REAPPOINTED Joseph Samuels and Ross Stevens to the ACE Appraisal Review Committee, with said terms to expire December 31, 2007. • REAPPOINTED David Cooke, Dabney Sandridge, and Alice Fitch to the Equalization Board, with said terms to expire December 31, 2007. • REAPPOINTED Joshua Goldschmidt to the 	<u>Clerk</u> : Prepare appointment letters, update Boards and Commissions book and web page, and notify appropriate persons.

	<p>Housing Committee, with said term to expire December 31, 2010.</p> <ul style="list-style-type: none"> • REAPPOINTED David Emmitt and William Lassetter to the Public Recreational Facilities Authority, with said term to expire December 13, 2009. • APPOINTED John Martin to the Rivanna River Basin Commission, with length of term to be determined at later date. 	
	<p>NonAgenda Item.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution to authorize settlement of 800 MHz contract dispute. 	<p><u>Clerk:</u> Forward signed resolution to County Attorney's office.</p>
17.	<p>FY 2007 Budget Amendment in the amount of \$838,369.61</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the FY2007 budget amendment in the amount of \$838,369.61 and APPROVED appropriations #2007030, #2007034, #2007035, #2007036, #2007037, #2007038, #2007039, #2007040, and #2007041, to provide funds for various local government, school, ECC, and capital projects and programs, as set out in the executive summary. 	<p><u>Clerk:</u> Forward signed appropriation forms to OMB, Finance, and appropriate individuals.</p>
18.	<p><u>Cascadia and Broadus Memorial Baptist Church</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, an amendment to the ACSA Jurisdictional Area to include Tax Map 62, Parcel 25, 25A, 25B, 25C/C1 and Tax Map 78, Parcels 59 and 59A for water and sewer service. 	<p><u>David Benish:</u> Proceed as approved.</p>
19.	<p><u>Airport Property</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, an amendment to the ACSA Jurisdictional Area to permit public water and sewer service to that area located within the designated Development Area of Hollymead, identified as TMP 31-27A (Residue), located on the boundary exhibit by Kirk Hughes & Associates, dated June 22, 2006. 	<p><u>David Benish:</u> Proceed as approved.</p>
20.	<p><u>Proposed ordinance</u> to amend Section 4-213 of Chapter 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running at Large, of the Albemarle County Code to establish Section One of Corville Farm Subdivision as an additional area of the County where dogs are prohibited from running at large.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, an ordinance to add Section One of Corville Farm Subdivision to the list of areas where dogs are prohibited from running at large set forth in County Code Section 4-213. 	<p><u>Clerk:</u> Forward copy of adopted ordinance to the County Attorney's office and Animal Control Officer.</p>
21.	<p><u>SP-2004-029. Holy Cross Episcopal Church (Sign 28):</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2004-029 subject to the four conditions recommended by 	<p>(Attachment 10)</p> <p><u>Clerk:</u> Set out conditions of approval.</p>

	the Planning Commission, with condition #1 amended as set out in the attachment.	
22.	<p><u>ZMA 2006-017. Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning (Signs 71,72)</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA-2006-017, Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning and the request for modification from Section 19.6.1 of Section 19 Planned Residential Development (PRD) of the Zoning Ordinance to allow less than the minimum twenty-five (25) percent common open space. 	
23.	<p>2006 StreamWatch Report, John Murphy.</p> <ul style="list-style-type: none"> • RECEIVED. 	
24.	<p>RWSA Mitigation Plan Presentation, Tom Frederick</p> <ul style="list-style-type: none"> • AUTHORIZED the RWSA to submit the mitigation plan to the U. S. Army Corp of Engineers and Virginia Department of Environmental Quality for approval. • Mr. Boyd reiterated his prior request that staff look at restructuring the RWSA to include elected officials on the Board. Consensus of Board to schedule on future agenda. 	<p><u>Bob Tucker</u>: Notify RWSA of approval.</p> <p><u>Clerk</u>: Schedule on a future agenda.</p>
25.	<p>From the Board: Committee Reports and Matters not Listed on the Agenda.</p> <p><u>David Wyant</u></p> <ul style="list-style-type: none"> • Discussed with Mark Graham a problem concerning the sidewalk, easements and VDoT acceptance of the road pertaining to the Bargamin Park Subdivision. Mr. Graham said the County is attempting to give the developer time to come up with a solution. • Mentioned that VDoT will not accept the Western Connector into Old Trail into the state system because it does not meet design requirements/standards. Mr. Graham said he was not aware of that issue, but from the County's perspective, the developer is responsible. • Building Committee met on the northern fire station and did value engineering, and the report indicated a savings of approximately \$94,000. <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> • Board members received an invitation to the Lewis Dinner on December 15, 2006. There will be representatives from our Sister County in Washington State present, as well as many others from outside the state. • NACO is holding its annual meeting in July in Richmond. Albemarle County has been asked to adopt a bus, which will be traveling from Richmond to Jamestown. It is an opportunity to 	

<p>tout the virtues of Albemarle County as a tourist destination. There is no cost to the County to host the bus. Lee Catlin indicated that she is working on this with Mark Shore.</p> <ul style="list-style-type: none"> Albemarle County has two sister counties. One is Washington State, and the other in Italy based on a friendship that was forged with Thomas Jefferson and Filippo Mazzei. Representatives from Italy will be coming here in June, and if other Board members would like to help, she would welcome their assistance. Dennis Rooker said he would be happy to assist. The Historic Preservation Committee realized that half the demolitions are being done to buildings over 50 years old, and she feels historic fabric is being lost. In the coming year, the Committee will be looking at demolition and various aspects of the Historic Plan. Discussed the issue raised earlier regarding the Pleasant Grove Baptist Church and it possibly being a historic structure. She would like to discuss it further and get some staff input. Mr. Tucker suggested representatives from the Airport Authority and the County meet to discuss the issue further. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Moved that the Board create a line item (Economic Opportunity Fund) in the budget and move the \$200,000 that had previously been earmarked for benefits for retired employees, to be used for economic development and job creation work, and to direct the County Executive to increase that fund by another \$50,000 during the budget process, to bring the total to \$250,000. Approved by a vote of 4:2. Moved that the County Executive bring back to the Board, as part of an appropriation public hearing, the allocation of funds necessary for the County to join the Chamber of Commerce. Approved by a vote of 4:2. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> He will be launching a website called "talk to your government.com". He will be making the content clear that this is his personal website. Its' purpose will be about engaging the public in the process of government. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Asked that County staff look at revising the budget calendar for 2008/2009 to consider the School Board's request in changing the date of the budget public hearing. <p><u>Bob Tucker:</u></p> <ul style="list-style-type: none"> A work session on the Business Plan has been 	<p><u>Clerk:</u> Notify OMB.</p> <p><u>Clerk:</u> Notify OMB to include in budget amendment public hearing.</p>
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	scheduled for February 7, 2007.	
	Adjourn to 3:00 p.m. Work Session on December 13, 2006, in Lane Auditorium. <ul style="list-style-type: none"> • At 6:22 p.m., the meeting was adjourned to December 13th. 	

/mrh

- Attachment 1 Watch for Child Playing signs on Bleak House Road (Route 662)
- Attachment 2 Watch for Child Playing signs on Gristmill Drive (Route 1157)
- Attachment 3 IDA Resolution - UREF
- Attachment 4 Resolution To Appoint Assistant Fire Marshal
- Attachment 5 Resolution Approving Amendment to Commission on Children and Families Agreement.
- Attachment 6 Resolution to Approve the Central Shenandoah Criminal Justice Training Academy's Revised Charter and By-Laws.
- Attachment 7 Parkside Village Resolution
- Attachment 8 Resolution to Oppose Closure of Free Union Area Headquarters
- Attachment 9 Resolution to Authorize Settlement of 800 MHz Contract Dispute
- Attachment 10 Conditions of Approval

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
BLEAK HOUSE ROAD (ROUTE 662)**

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

WHEREAS, many children live and play in this area and the residents believe that a “Watch for Child Playing” sign would help alleviate some of the safety concerns; and

WHEREAS, the residents of the Montei Drive and Bleak House Road have requested that the County take the necessary steps to have a “Watch for Child Playing” sign installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community’s request for VDOT to install the necessary “Watch for Child Playing” signs on Bleak House Road near its intersection with Montei Drive.

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
GRISTMILL DRIVE (ROUTE 1157)**

WHEREAS, the Mill Creek Homeowner’s Association is concerned about traffic in its neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, many children live and play on Gristmill Drive and the residents believe that a “Watch for Child Playing” sign would help alleviate some of the safety concerns; and

WHEREAS, the Mill Creek Homeowner’s Association has requested that the County take the necessary steps to have a “Watch for Child Playing” sign installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community’s request for VDOT to install the necessary “Watch for Child Playing” signs on Gristmill Drive near its intersection with Southern Parkway.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF ALBEMARLE COUNTY, VIRGINIA**

The Industrial Development Authority of Albemarle County, Virginia (the "Authority") was requested by the University of Virginia Foundation (the "Foundation"), whose principal business address is 465 Crestwood Drive, Charlottesville, Virginia 22903, to hold, on behalf of Albemarle County, Virginia (the "County"), a public hearing on the issuance by the Industrial Development Authority of the City of Charlottesville, Virginia (the "Charlottesville Authority") of its revenue bonds in an amount not to exceed \$170,000,000 (the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49 of the Code of Virginia of 1950, as amended (the "Virginia Code"). The proceeds of the Bonds will be used to assist the Foundation in (a) financing the cost of (i) the acquisition, construction and equipping of the Advanced Research Technology building (the "ART Building") located at 550 Ray C. Hunt Drive in the Fontaine Research Park in the County, (ii) the acquisition and construction of the West Main Street parking garage fronting on 11th Street, S.W., in the City of Charlottesville, Virginia (the "City") located one-half block southwest of the intersection of West Main Street and 11th Street, S.W. and to be used in part by tenants of a future office building to be built adjacent thereto, (iii) the construction of the West Main Street connector, an above-ground walkway which connects the parking garage fronting on 11th Street with the University of Virginia Hospital in the City, (iv) the acquisition, construction and equipping of the Life Sciences Annex attached to the ART Building and to be used for laboratory space located at 550 Ray C. Hunt Drive in the Fontaine Research Park in the County, and (v) the construction of a road in the University of Virginia Research Park off of Airport Road, which is located on the west side of U.S. Route 29 approximately 6 miles north of the City limits in the County, and (b) refinancing the cost of (i) the acquisition, construction and equipping of the Dynamics Building used by the University of Virginia for office space and located at 2015 Ivy Road in the City, (ii) the acquisition, construction and equipping of the Blake Center Building used by the University of Virginia for office space and located at 1224 Jefferson Park Avenue in the City, (iii) the acquisition, construction and equipping of a building used by the University of Virginia for office space and other purposes located at 400 Ray C. Hunt Drive in the County, (iv) certain land located in the University of Virginia Research Park and possibly other locations and (v) the acquisition, construction and equipping of buildings used primarily for the housing of students attending the University of Virginia that are located at (1) 2021 Ivy Road, (2) 600 Brandon Avenue and (3) 411, 413-415 and 417-419 Brandon Avenue consisting of 48 units, 44 units and 47 units, respectively, all in the City (all of the foregoing in clauses (a) and (b) being collectively referred to herein as the "Projects"). The proceeds of the Bonds will also be used to finance certain costs of the issuance of the Bonds.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Virginia Code, provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. Some of the Projects are located in the County, and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County. The Bonds will be issued by the Charlottesville Authority, and the City Council of the City gave its approval to the issuance of the Bonds on December 4, 2006. Section 15.2-4905 of the Virginia Code provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority of the second locality. The Charlottesville Authority adopted its inducement resolution on November 14, 2006 (the "Charlottesville Inducement Resolution").

Following the public hearing held by the Authority on November 14, 2006, the Authority adopted a resolution (the "Resolution") in which it recommended and requested that the Board approve of the issuance of the Bonds by the Charlottesville Authority. A copy of the Resolution, a brief summary of the Authority's public hearing, the Foundation's Fiscal Impact Statement and the Charlottesville Inducement Resolution have been filed with the Board.

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

1. The recitals made in the first paragraph above are hereby adopted as part of this Resolution.

2. The Board hereby concurs with the Charlottesville Inducement Resolution and approves the issuance of the Bonds by the Charlottesville Authority for the benefit of the Foundation, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Charlottesville Authority to assist in the financing and refinancing of the Projects.

3. The concurrence with the Charlottesville Inducement Resolution and the approval of the issuance of the Bonds do not constitute an endorsement to a prospective purchaser of the creditworthiness of the Projects or the Foundation, and neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.

4. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Foundation, direct or consequential, resulting from the Charlottesville Authority's failure to issue the Bonds for any reason.

5. This resolution shall take effect immediately upon its adoption.

RESOLUTION TO APPOINT ASSISTANT FIRE MARSHAL

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize an assistant fire marshal to have the same police powers as a sheriff, police officer or law-enforcement officers; and

WHEREAS, the appointment of Gary Rodney Snead as an assistant fire marshal with police powers will promote the efficient and effective operation of the County of Albemarle Department of Fire Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Gary Rodney Snead to be an Assistant Fire Marshal pursuant to Virginia Code § 27-36; and

BE IT FURTHER RESOLVED, that he be authorized to have the same powers as a sheriff, police officer or law-enforcement officer pursuant to Virginia Code § 27-34.2:1.

**RESOLUTION APPROVING AMENDMENT TO
COMMISSION ON CHILDREN AND FAMILIES AGREEMENT**

WHEREAS, the Albemarle County Board of Supervisors and the Charlottesville City Council established the Commission on Children and Families in 1997 to plan, coordinate, monitor and evaluate a community wide system of children and family agencies and programs, and approved an agreement to jointly fund and operate the Commission with the City of Charlottesville providing fiscal and legal services to the Commission; and

WHEREAS, it is now desired that the County be the fiscal agent for the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the Chairman to execute a revised Agreement between the Albemarle County Board of Supervisors and the Charlottesville City Council relating to the operation of the Commission on Children and Families that establishes Albemarle County as the fiscal agent for the Commission.

**RESOLUTION TO APPROVE THE
CENTRAL SHENANDOAH CRIMINAL JUSTICE
TRAINING ACADEMY'S REVISED CHARTER AND BY-LAWS**

WHEREAS, Albemarle County joined as a member of the Central Shenandoah Criminal Justice Training Center in 1973; and

WHEREAS, by adoption of a Resolution on Oct. 7, 1998, the Board approved the formation of the Central Shenandoah Criminal Justice Training Academy and its new Charter; and

WHEREAS, the Academy provides required basic and in-service training for law enforcement officers, jail officers and dispatchers of Albemarle County and other jurisdictions within the region; and

WHEREAS, since its formation in 1998, the Academy has relocated its training center and changed some of its operating procedures; and

WHEREAS, there have been changes in state law that governs the Academy; and

WHEREAS, the Academy wishes to update its Charter and By-Laws to reflect these changes; and

WHEREAS, the Board of Supervisors approves of the proposed changes in the Academy's revised Charter and By-Laws.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Academy's revised Charter and By-Laws.

RESOLUTION

WHEREAS, the street(s) in **Parkside Village Subdivision, Phased 1 and 2**, described on the attached Additions Form LA-5(A) dated **December 6, 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 **Parkside Village Subdivision, Phases 1 and 2**, as described on the attached Additions Form LA-5(A) dated **December 6, 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 AM-4.3 is:

- 1) **Hill Top Street (State Route 1014)** from the intersection of Route 691 (Hill Top Street) to the end of statement maintenance of Hill Top Street West, as shown on plat recorded 10/03/2002 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1974, pages 487-492, with a 40-foot right-of-way width, for a length of 0.02 miles.
- 2) **Hill Top Street (State Route 1014)** from the intersection of Route 691 (Hill Top Street) to the end of statement maintenance of Hill Top Street East, as shown on plat recorded 10/03/2002 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1974, pages 487-492, with a 40-foot right-of-way width, for a length of 0.08 miles.

Total Mileage – 0.10

**RESOLUTION TO OPPOSE CLOSURE OF
FREE UNION AREA HEADQUARTERS**

WHEREAS, the Commonwealth of Virginia has held the responsibility to maintain public road facilities in Virginia counties not under the County Manager form of government; and

WHEREAS, the responsibility of public road maintenance is currently undertaken by the Virginia Department of Transportation and serves an essential public safety function, including timely snow plowing and debris removal; and

WHEREAS, the Virginia Department of Transportation has proposed closing the Free Union Area Headquarters in Albemarle County; and

WHEREAS, the Free Union Area Headquarters serves a large area of the County including schools, school bus routes, emergency services facilities and personnel, and the Charlottesville-Albemarle Regional Airport; and

WHEREAS, the proposed closure of the Free Union Area Headquarters would result in a decrease in the level of service presently provided to many secondary roads in the service area; and

WHEREAS, the anticipated cost savings and decrease in service level from the closure would be passed on to neighboring area headquarters that must provide maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County does hereby oppose the Virginia Department of Transportation's proposed plan to close the Free Union Area Headquarters.

**RESOLUTION TO AUTHORIZE
SETTLEMENT OF 800 MHZ CONTRACT DISPUTE**

WHEREAS, the County of Albemarle is a member of the Charlottesville-University of Virginia-Albemarle County Emergency Communications Center ("ECC"); and

WHEREAS, as a member of the ECC, the County is a party to the 800 MHz Public Safety Radio System Agreement dated December 31, 2002, together with the City of Charlottesville and University of Virginia, and Motorola, Inc.; and

WHEREAS, on behalf of the County, City and University, the ECC accepted and took possession of the 800 MHz radio communications system on June 30, 2006, and authorized final payment to Motorola at that time; and

WHEREAS, Motorola filed a claim under the Agreement seeking compensation for certain amounts that were withheld by the ECC under the Agreement; and

WHEREAS, the parties have reached a tentative agreement settling all matters remaining in dispute between the parties, and such agreement is subject to the approval of the governing bodies of the County, City of Charlottesville and University of Virginia; and

WHEREAS, the Agreement is presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Settlement Agreement and all other documents necessary to formalize settlement under the following terms and conditions:

1. The ECC agrees to pay Motorola the sum of \$290,000 as full and final payment under the 800 MHz Agreement within thirty (30) calendar days of the effective date of the Agreement.

2. Motorola agrees that, within twenty (20) business days of receipt of the payment referenced in paragraph 1 above, it will deliver the following equipment in new, unused condition, and with full applicable warranties, to the ECC, at no additional charge:

- a. Sixty (60) Motorola XTS5000 Model II Digital Portable Radios with Impres Battery, Model Number H18UCF9PW6AN with SmartZone software and configured, equipped, and flashed identically to the ECC's existing XTS5000 Model II radios. Codeplug installation shall be defined at time of shipment.
- b. Ten (10) Motorola Impres Multi-Unit Chargers with Display Modules, Model Number WPLN4130A; and
- c. Six (6) Motorola Digital XTL5000 W7 Digital Consollette Radios with SmartZone software and configured, equipped, flashed and programmed identically to the ECC's existing Consollette radios.

CONDITIONS OF APPROVAL

SP-2004-029. Holy Cross Episcopal Church (Sign 28): PROPOSED: Special use permit amendment for expansion of an existing, non-conforming church to expand the existing fellowship hall by approximately 800 square feet. LOCATION: Craigs Store Road (Route 635), approximately 3.5 miles south of Batesville. MAGISTERIAL DISTRICT: Samuel Miller.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Application Plan SP 2004-29", prepared by Lum's Land Surveys, Inc., and dated 11/15/06 (copy on file);
2. There shall be no day care center or private school on site without approval of a separate special use permit;
3. Construction of the proposed addition shall commence within five (5) years of the date of approval of this special use permit or the permit shall expire; and
4. Any new outdoor building and site lighting shall be provided by full cutoff fixtures. The note regarding the current lighting provisions shall be removed from the conceptual plan.

22. **ZMA 2006-017. Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning (Signs 71,72):** PROPOSAL: Rezone 2.456 acres from RA Rural Areas zoning district (TMP 17-26D) which allows agricultural, forestal, and fishery uses; residential density to become a part of TMP 17-60 Planned Residential District PRD (Buck Mountain PRD) which allows residential (3 - 34 units/acre) Also, boundary line adjustments within the Buck Mountain PRD, 1.56 acres PRD Common Area (TMP 15-115) to TMP 17-60 and TMP 17-61, and 1.56 acres of TMP 17-26D added to Common Area (TMP 17-115). No additional residential units proposed. PROFFERS: No. LOCATION: Southeast quadrant of intersection of Free Union Road (Rt. 601) and Davis Shop Road (Rt. 671). MAGISTERIAL DISTRICT: White Hall.