

ACTIONS
Board of Supervisors Meeting of May 2, 2007

May 4, 2007

<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 9:06 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Carey, and Meagan Hoy. 	
<p>4. Recognitions:</p> <p>Juandiego Wade – 2007 John L. Snook Advocate Award Recipient.</p> <ul style="list-style-type: none"> Chairman recognized Juandiego Wade, County transportation planner, for receiving the 2007 John L. Snook Child Advocate Award from Children, Youth and Family Services. <p>Emergency Medical Services Week Proclamation.</p> <ul style="list-style-type: none"> Chairman read proclamation and presented same to Dan Eggleston, Director of Fire and Rescue. <p>Agricultural and Forestal District Committee members: Joseph H. Jones, Babs Huckle and Bruce Hogue.</p> <ul style="list-style-type: none"> Chairman recognized the above-referenced members who recently retired from the A/F District Committee. Certificates of Appreciation will be mailed to them. 	(Attachment 1)
<p>5. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> Announced a half-day workshop that will be held on May 24, 2007, at COB-5th Street, on ensuring access to services for persons with limited English proficiency. She and Mr. Dorrier recently attended one of VACO's regional meetings at the Palmyra Courthouse. She stated that it is always useful to hear about the problems and approaches that other counties are taking. Asked staff to provide information on the provision in the County's Ordinance that allows for an erosion impact area. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Mentioned an April 24th letter from the League of Women Voters supporting ASAP's proposal to identify a sustainable optimal population size for the community and use the figure to help guide planning. Suggested the Board consider including, in its budget, matching funds to help ASAP fund the study. An article in a recent Virginia Municipal League newsletter states that state revenues are trailing forecasts. He asked that the Board get information on how this might affect the County. He understands that the JLARC Compensation Study is studying local government 	

<p>compensation. He suggested keeping abreast of the study and finding out the parameters of the study for possible input by the County.</p> <ul style="list-style-type: none"> • Board members received a copy of a letter from the Chairman to Mayor Brown regarding the County's commitment to transportation. He suggested providing a copy of the letter to The Daily Progress and other media. • In October, 2006, an issue came before the Board concerning building an agricultural road off of Route 29 N near the Franklin Subdivision. He stated that the road is being built in a way that clearly contemplates something other than a farm road. He asked staff to look into this to find a way to close this loop hole. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Mentioned that Board members received a copy of a letter from the North Charlottesville Business Council regarding the process for Places29. He also received a copy of a letter from Mr. Carter Myers, of Colonial Auto, regarding the same issue. He suggested discussing Places29 after the public has had an opportunity to speak. • Reminded everyone that on May 31, 2007, from 5:00 p.m. – 7:30 p.m., at the Comfort Inn, at the I-64/Route 250W interchange, TJPDC will be sponsoring an information sharing session to discuss land use and transportation issues affecting the region's localities. • So far he has attended two of the chairs and mayors (of local governments) meetings, and it is great to talk with our counterparts to discuss issues of interest. • He has been contacted by the Forest Lakes Homeowners Association asking for progress on what the County is willing to do to help mitigate some the siltation problems they are experiencing in Hollymead Lake and Arbor Lake. He asked that staff provide a report to the Board so that they can provide a response to the neighborhood. • He would like to look at investigating restructuring of the Rivanna Waster and Sewer Authority Board and the Rivanna Solid Waste Authority Board to include elected officials. 	
<p>6. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> • John Martin, a resident of Free Union, talked about RWSA's hazardous and bulky waste days at the Ivy Landfill. This program is free for the citizens, but expensive for RWSA. The program is in jeopardy because of the City's continued refusal to pay service contribution fees in support of RWSA's operating costs. The City currently owes \$3,098,675 to RWSA, which includes \$1.8 million in principal and \$1.2 million in finance charges. He suggested that it is time for RWSA to hire outside legal counsel 	

to pursue this matter. He, therefore, urged the Board to issue some form of concurrence to its representatives on the RWSA Board to the appointment of outside legal counsel in order to bring this matter to closure.

- L. F. Wood, speaking on behalf of the Board of Directors of the 29 North Charlottesville Business Council (NCBC), said the Board should not forward Places29 to the Planning Commission until they receive more definitive answers on some of the more problematic areas that have been identified. The current plan is impractical, creates a north-south express zone, does not do anything for local citizens in terms of improving services in the business area, and Commonwealth Transportation Board members and Richmond VDOT officials do not see any funds available for the project.
- Chuck Lebo, representing NCBC, said they are pleased the Places29 process is underway. They are displeased with some key elements that have been presented and in particular the overpasses which will turn Route 29 into an expressway. Route 29 needs to be kept as a shopping corridor for the County and City.
- Timothy Hulbert, President and Chief Executive of the Chamber of Commerce, echoed support of the NCBC's request that the Board consider the pace and direction of the Places29 project.
- Jack Marshall, President of ASAP, discussed their proposal to study an optimal population, and asked for the Board's support.
- Tom Olivier, Conservation Chair for the Piedmont Group of the Sierra Club, said the Sierra Club supports ASAP's proposal to identify an optimum sustainable population size for the area. He urged the Board's endorsement of the development of this measure and development of a Comprehensive Plan Amendment. He asked that the Board consider funding this request at its budget work session on May 9th.
- Jeff Werner, Piedmont Environmental Council, handed Board members a copy of Charlottesville Area *Buy Fresh Buy Local*, a newsletter for supporters of locally grown food. He also mentioned the denial by the School Board of a proposed air quality monitor site at Stony Point Elementary School. The Chairman asked Mr. Tucker to look into this issue.
- Neil Williamson, of the Free Enterprise Forum, expressed concern about the County providing funds to ASAP for their proposed study. ASAP is an advocacy group and the Free Enterprise Forum questions the independence of such a study.
- Harrison Rue, of TJPDC, discussed what has

	<p>transpired with Places29 and offered their full services to look into detail at the issues that have been raised by NCBC and others. Following Board discussion, it was decided that the Board would schedule a discussion for June of the process for Places29, how it is moving forward, etc.</p>	
7.2	<p>Authorize County Executive to execute Loan Agreement with Stony Point Volunteer Fire Company, Inc.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to sign the attached loan agreement on behalf of the County. 	<p><u>County Attorney's office</u>: Provide Clerk with copy of executed agreement. (Attachment 2)</p>
7.3	<p>Adopt resolution authorizing Chairman to sign revised Darden Towe Park Agreement.</p> <ul style="list-style-type: none"> • REMOVED from agenda. 	<p><u>Clerk</u>: Reschedule for June 6th agenda.</p>
7.4	<p>Authorize County Executive to execute Regional Police Mutual Aid Agreement.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to execute the agreement. 	<p><u>County Attorney's office</u>: Provide Clerk with copy of executed agreement. (Attachment 3)</p>
7.5	<p>Resolution to accept road(s) in Oak Hill Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk</u>: Forwarded adopted resolution and signed AM-4.3 Form to Greg Cooley. (Attachment 4)</p>
7.6	<p>Resolution to accept road(s) in Logan's Run Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk</u>: Forwarded adopted resolution and signed AM-4.3 Form to Greg Cooley. (Attachment 5)</p>
7.7	<p>Cancel May 9, 2007 Night Board Meeting.</p> <ul style="list-style-type: none"> • CANCELLED the May 9, 2007 regular night Board meeting. 	<p><u>Clerk</u>: Notify appropriate individuals.</p>
7.9	<p>Board to Board, <i>Communications report of activities from the Albemarle County School Board, dated May 2, 2007.</i></p> <ul style="list-style-type: none"> • Ms. Thomas mentioned the School's discussion of the process for Baldrige Performance and she asked that staff provide an update. 	<p><u>County Executive's office</u>: Provide information to Board.</p>
8a. 8b.	<p>VDOT Monthly Report. Transportation Matters not Listed on the Agenda. <u>Darin Simpson, Assistant Residency Administrator for the Charlottesville Residency</u></p> <ul style="list-style-type: none"> • Stated that Allan Sumpter is attending a leadership conference in Virginia Beach. • With winter over, there is increased activity by VDOT throughout the County. • The Rio Road/Hydraulic Road signal changes have been completed. • Explained how the mobile pothole patcher works and said he hopes it will enable VDOT to be more cost effective and accomplish more work. • Said there are some historical questions that need answering regarding Maxfield Road and Bishop Hill before the work is completed. <p><u>David Slutzky</u></p> <ul style="list-style-type: none"> • With the new installation of sidewalk on Rio Road, he noticed after a recent heavy rain that, one of the new wheelchair ramps, from the road up to the sidewalk, had a fairly substantial 	<p><u>Clerk</u>: Forward comments to VDOT.</p>

puddle in it. It was not built correctly and during the winter there will probably be a massive sheet of ice. He asked that VDOT take a look at it.

- On Old Brook Road there is area that is full of leaves, mulch and debris. He asked that it be cleaned out. Mr. Simpson said VDOT will check into it.

Dennis Rooker

- There are several places on Roslyn Ridge Road where fallen trees have destroyed guardrail on both sides of the road. It appears to him that VDOT was replacing a guardrail that was not damaged, and he would like for that to be checked out. As part of this work he hopes they are removing the trees presently in the culverts.
- Several people came to the last MPO meeting to discuss the closing of the Advance Mills Bridge.
- Mentioned a graph of secondary allocations estimated vs. actual allocations – said the graph does not match up with what he received from VDOT. Juan Wade said VDOT is looking into the discrepancy. Mr. Rooker said he is trying to obtain an accurate list of what our secondary road allocations have been for the last ten years.
- On Roslyn Ridge Road the contractor is breaking up the road. About one-third of the road is broken up, and he thinks it might be wise to have them temporarily patch the area so that it does not do any more damage.

David Wyant

- Asked if the Advance Mills Bridge is proposed to be permanently closed. Mr. Simpson said VDOT found some additional cracks and will need to make a determination on how to proceed. He does not have a time frame on how long it will be closed. Mr. Wyant asked if this project has been put on an accelerated schedule. Mr. Simpson said he will find out. An informational meeting will be held on May 8th, 7:00 p.m., at Broadus Wood Elementary School. Mr. Rooker asked for a preliminary estimate of the replacement cost for the bridge.
- Thanked VDOT for doing a great job in working with the homeowners and developers to resolve issues regarding the Bargamin property.

Sally Thomas

- Thanked Mr. Sumpter for being responsive to her concerns regarding Route 29 South. Ches Goodall is going to walk the median strip and work with VDOT on the trees concerns.
- White Mountain Road – VDOT was responsive and agreed to take care of the work as a maintenance spot improvement. She has asked Mr. Sumpter to find another road that has the same kind of treatment as that planned for

<p>White Mountain to see if an example would be helpful to the residents in making a decision. Mr. Slutzky asked that VDOT identify some examples of what it is doing and then forward that information to the Board members so that they can see just in case the issue comes up in another area.</p> <ul style="list-style-type: none"> • Thanked VDOT for its responsiveness to concerns regarding 820 Buckingham Circle. <p><u>Lindsay Dorrier</u></p> <ul style="list-style-type: none"> • Asked VDOT to look at the traffic count on Route 713, between Routes 712 and 795, near Keene, an unpaved section of road that is approximately three to five miles long. This road goes by Teddy Roosevelt's hunting lodge. <p><u>Ken Boyd</u></p> <ul style="list-style-type: none"> • Asked if the current paving of Gilbert Station Road will complete the paving of the road. Mr. Simpson said he believes there is one section where the width does not qualify. Mr. Boyd asked for a description of the project limits, what will remain unpaved. • Asked if Rocky Hollow Road is nearing completion. Mr. Simpson said he is not sure of its current stage. Once the pipes are installed and the trees are cleared, the project will move fairly rapidly. 	
<p>9. Presentation: Comcast, Paul Comes, Director of Government & Community Affairs.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>10. Presentation: Development Review Task Force Report.</p> <ul style="list-style-type: none"> • CONSENSUS that staff move forward with the five highest priority actions (set out below) and make minor adjustments in the current Community Development Work Plan: <ul style="list-style-type: none"> ○ two phase ZMA process; ○ improve ARB/PC/Board coordination, clarify role of ARB; ○ detailed process documentation to create consistent application and review; ○ establish staff authority for waivers and modifications in development areas; and ○ develop a proffer policy to include elements beyond cash amount 	<p><u>Mark Graham/Community Development:</u> Move forward as approved.</p>
<p>11. Presentation: Proffers Report from the Fiscal Impact Advisory Committee.</p> <ul style="list-style-type: none"> • Motion that the Board adopt the proffers methodology and the resulting proffer values, without the ten percent revenue credit, that are contained in the attached memorandum and to DIRECT staff to begin the process of developing a complete proffer policy, failed by a vote of 3:3. • Motion that the Board adopt the proffers methodology and the resulting proffer values, based on a debt service level of six percent, that are contained in the attached 	<p><u>County Executive/Community Development:</u> Proceed as directed.</p>

	<p>memorandum and directed staff to begin the process of developing a complete proffer policy, passed by a vote of 5:1.</p>	
12.	<p>Closed Session.</p> <ul style="list-style-type: none"> At 12:23 p.m., the Board went into closed session to consider appointments to Boards, Committees, and Commissions; to consider the acquisition of real property for a potential park facility; to consult with legal counsel and staff regarding matters of probable litigation relating to a real estate assessment appeal; and to consult with legal counsel and staff regarding specific matters regarding specific matters requiring legal advice relating to an inter-jurisdictional agreement. 	
13.	<p>Certify Closed Session.</p> <ul style="list-style-type: none"> At 2:20 p.m., the Board reconvened into open session and certified the closed session. 	
14.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> APPOINTED Ralph Chester to the Commission on Children and Families, with said term to expire June 30, 2010. 	<p><u>Clerk:</u> Prepare appointment letter, update Boards and Commissions book, update webpage, and notify appropriate persons.</p>
15.	<p>FY 2007 Budget Amendment.</p> <ul style="list-style-type: none"> APPROVED the 2007 Budget Amendment in the amount of \$1,305,573.96. APPROVED FY 2007 Appropriations #2007065, #2007066, #2007067, #2007068, #2007069, #2007070, #2007071, #2007072, #2007073, #2007074, #2007075, and #2007076. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance, OMB, and copy appropriate individuals.</p>
16.	<p><u>PROJECT: SP-2004-050. Flow Automotive Companies Sales and Display (Sign #60).</u></p> <ul style="list-style-type: none"> APPROVED SP-2004-050, by a vote of 6:0, subject to the six conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval.</p>
17.	<p><u>PROJECT: SP 2007-009. Little Keswick School Amendment (Signs #101&102).</u></p> <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, subject to six conditions. 	<p><u>Clerk:</u> Set out conditions of approval.</p>
18.	<p><u>SP-2006-043. Field School (Signs #35,36&39).</u></p> <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, subject to the ten conditions recommended by the Planning Commission, with condition #8 amended at the Board meeting. 	<p><u>Clerk:</u> Set out conditions of approval.</p>
19.	<p><u>Work Session: CPA 2005-009. Southern Urban Area B Study Amendment and CPA 2005-005, Granger Tract CPA.</u></p> <ul style="list-style-type: none"> HELD. The following typographical corrections were made: page 17, the last item in the list of transportation improvements should read "transit" service, and on page 16, the second improvement listed should be "west of the bypass." 	
20.	<p><u>Work Session: Rural Areas Resource Protection.</u></p> <ul style="list-style-type: none"> Took the following actions: ADOPTED, by a vote of 6:0, the following Resolutions of Intent to amend the Zoning and 	<p><u>Clerk:</u> Forward Resolutions of Intent to appropriate persons in Community Development. (Attachments 7-9)</p>

<p>Subdivision Ordinances that would allow staff to bring forward the ordinance amendments.</p> <ul style="list-style-type: none"> o Resolution of Intent-Critical Slopes; o Resolution of Intent-Safe and Convenient Access; and o Resolution of Intent-Family Subdivision and REQUIRED the length of time a family member must hold property after subdivision for 15 years. <ul style="list-style-type: none"> • DIRECTED staff to move forward with requiring a 100 foot setback from all perennial and intermittent streams in the Rural Areas. 	
<p>21. From the Board: Committee Reports and Matters not Listed on the Agenda.</p> <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Said the ASAP proposal that was brought before the Board earlier in the day is a good proposal, but he would like to narrow the scope, and focus on determining the maximum sustainable population from an ecological perspective. • Seeing that Bryan Wheeler, a School Board member was present, asked about the status of the location of the air monitoring system. Also said he believes that DEQ should work with County staff to find a proper location. <p><u>David Wyant</u></p> <ul style="list-style-type: none"> • The committee on emergency transport has met twice, and it is proceeding along. This might be a good time to bring fire and rescue to the same physical structure. <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> • Suggested that Board members read the TJPDC's Summary of Activities. • The Rivanna River Commission has already adopted a charter. • Historic Preservation Committee will be coming to the Board with a report soon. • ACE Committee is coming to the Board with a report on the point system to reflect changes the Board has suggested. • On May 10th, there will be a "light" dinner at Sage Moon which will include information about the AIDS services group. <p><u>Lindsay Dorrier</u></p> <ul style="list-style-type: none"> • The recently sponsored VACO meeting at the Fluvanna Courthouse was very fruitful. <p><u>Ken Boyd</u></p> <ul style="list-style-type: none"> • The City is proposing to put together an emergency services task force to talk about the \$1.0 million they put aside in their budget and how that would interact with CARS. The Mayor has contacted him to ask if the County would like to participate. Mr. Boyd will stay in touch with the Mayor. 	
<p>22. Adjourn to May 9, 2007 at 1:30 p.m.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 6:26 p.m. to May 9, 2007, 1:30 p.m. in Lane Auditorium. 	

/ewc

- Attachment 1 – Proclamation recognizing Emergency Medical Services Week
- Attachment 2 – Stony Point Volunteer Fire Company, Inc., Loan Agreement
- Attachment 3 – Regional Police Mutual Aid Agreement.
- Attachment 4 – Resolution – roads in Oak Hill Subdivision
- Attachment 5 – Resolution – roads in Logan’s Run Subdivision
- Attachment 6 – Conditions for Planning Commission items
- Attachment 7 – Resolution of Intent-Critical Slopes
- Attachment 8 – Resolution of Intent-Safe and Convenient Access
- Attachment 9 - Resolution of Intent-Family Subdivision

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 communications officers, emergency medical technicians, firefighters, law enforcement officers, educators, administrators, emergency physicians and nurses, and others; and*
- WHEREAS,** *the members of emergency medical services teams, career and volunteer, 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, Kenneth C. Boyd, Chairman on behalf of the Albemarle County Board of Supervisors, do hereby proclaim

MAY 20-26, 2007

as

EMERGENCY MEDICAL SERVICES WEEK

with the theme



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

Signed and sealed this 2nd day of May, 2007.

SERVICE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2007, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision, (the "County"), and the **STONY POINT VOLUNTEER FIRE COMPANY, INC.**, a Virginia Corporation, (the "Fire Company").

WHEREAS, the Fire Company agrees to continue to provide valuable fire suppression services in Albemarle County in its delineated service area as set forth on the Response Area Maps located at the Emergency Communications Center ("Service Area"); and

WHEREAS, the Fire Company desires the County to contribute Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to provide for renovations and improvements to their building and property located at 3827 Stony Point Road, Charlottesville, Virginia (County Tax Map 48 Parcel 18D) that are necessary to provide fire suppression services.

NOW, THEREFORE, for and in consideration of the above stated premises, the County and Fire Company agree, as follows:

1. The County shall contribute to the Fire Company Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to be used to fund building improvements as identified in Attachment A of this agreement. The funds shall be allocated from the County's Capital Improvements Fund and will be appropriated to a County budget code dedicated to these projects. The County will work with the Fire Company to procure and manage the projects as stated in the Volunteer Fire Rescue Building Maintenance Funding Policy (Attachment B).
2. The Fire Company agrees that the County will withhold Seventeen Thousand Nine Hundred Eighty Dollars (\$17,980.00) from the County's annual appropriation to the Fire Company's operating budget beginning July 2006 through July 2016 and Seventeen Thousand Nine Hundred Seventy Dollars (\$17,970.00) in July 2017. Thus at the end of twelve (12) years, which is the term of this Agreement, a total of \$215,750.00 shall be withheld. The Fire Company agrees that any amount of this repayment that may exceed the County's annual appropriation will be remitted to the County no later than July 31 of each repayment year.
3. The Fire Company agrees that it shall not convey any of the improved property or any interest therein to any party other than the County without the County's prior written consent during the term of this Service Agreement. In addition, the Fire Company agrees that any insurance proceeds received from a claim related to any damage to the property shall be used entirely for the immediate repair and improvement of the property unless the County expressly authorizes in writing a different use for such funds.
4. The Fire Company agrees that at such time as it no longer provides volunteer fire suppression in Albemarle County while operating under the jurisdiction of the County that it shall convey all of its interest in the property to the County at no additional cost to the County upon the County's request.
5. Nothing contained herein shall be construed to prevent additional appropriations by the County to the Fire Company, at the discretion of the County Board of Supervisors, to support, enhance, or augment the services to be provided by the Fire Company.

REGIONAL MUTUAL AID AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2007 by and between the **COUNTY OF ALBEMARLE** (the "County"), the **TOWN OF GORDONSVILLE** (the "Town"), the **SHERIFF OF GREENE COUNTY**, and the **SHERIFF OF FLUVANNA COUNTY**.

WHEREAS, Va. Code §§ 15.2-1726 and 15.2-1730.1 authorize the governing bodies of a County and Town and Sheriffs to enter into reciprocal agreements for mutual aid for emergency purposes, for maintenance of peace and good order and for cooperation in the furnishing of police services;

WHEREAS, the County, Town and the Sheriffs have determined that the provision of police aid across jurisdictional lines will increase their ability to respond to law enforcement emergencies involving immediate threats to life or public safety in their respective jurisdictions, and will assist them in the preservation of public safety and welfare of the entire area;

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties hereto desire that the terms and conditions of the Regional Mutual Aid Agreement (the "Agreement") be established.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from this Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide police support to the parties to this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.

2. Requests for assistance pursuant to the terms and conditions of this Agreement shall be initiated by the requesting party's on-duty commander, bureau commander, their respective designees or the highest-ranking officer on-duty at the time of the request.

3. To the extent feasible, the requesting party shall be responsible for designating a communications system for use by the requested party.

4. The personnel of the requested party shall render such assistance under the direction of the Chief of Police/Sheriff or other principal law enforcement officer of the requested party, or their designees.

5. Law enforcement support provided pursuant to this Agreement shall include, but not be limited to, the following resources: uniformed officers, canine officers, forensic support, plainclothes officers, special operations personnel and related equipment.

6. The decision whether to provide law enforcement support under this Agreement shall at all times remain within the discretion of the requested agency. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement support when the personnel of the party to whom the request is made are, in the opinion of the requested party, needed or are being used within the boundaries of their jurisdiction, nor shall any such request compel the requested party to continue to provide police support to another party when its police personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.

7. The responsibility for investigation and subsequent actions within the requesting jurisdiction shall remain with the law enforcement agency of the requesting party. Entering law enforcement personnel shall promptly notify the agency of the entered jurisdiction upon discovery of a crime in the jurisdiction where the offense occurred.

8. Officers acting pursuant to this Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer, such authority shall be in conformance with Va. Code §§ 15.2-1724, 15.2-1726, 15.2-1730 and 15.2-1730.1 as may be applicable; however, law enforcement officers of any jurisdiction who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances where an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.

9. When performing police duties in a requesting jurisdiction pursuant to the provisions of this Agreement, each law enforcement officer, agent, and other employee of the parties hereto shall have the same police powers, rights and privileges, including the authority to make arrests, as the officers, agents or employees have in the jurisdiction where they were appointed.

10. Pursuant to Va. Code § 15.2-1724, the services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities afforded to the requested jurisdiction when acting within its boundaries shall extend to its participation in rendering assistance outside its boundaries to a requesting jurisdiction. For the purposes of this Agreement, the requested party that responds to a request for assistance is rendering aid once it has entered the jurisdictional boundaries of the requesting party pursuant to the provisions herein.

11. All immunities from liability, exemptions from laws, ordinances and regulations, pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by law enforcement officers, agents and other employees of each party shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that the provision of these benefits shall remain the responsibility of the primary employing party.

12. To the extent permitted by the laws of the Commonwealth of Virginia, each party hereto, in activities involving the rendering of assistance to a requesting party pursuant to this Agreement, shall (i) waive any and all claims against all other parties to this Agreement which may arise out of such parties' activities outside their respective jurisdictions, and (ii) be responsible for the acts or omissions of its law enforcement officers, agents and other employees causing harm to persons not a party to this Agreement. Nothing herein shall be deemed as an expressed or implied waiver of the sovereign immunity of the parties to this Agreement.

13. The parties to this Agreement shall not be liable to each other for reimbursement for injuries to personnel or damage to equipment incurred when going to or returning from another jurisdiction. Neither shall the parties hereto be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, unless the parties expressly agree otherwise in advance of the provision of assistance under this Agreement.

14. This Agreement sets forth the complete agreement relating to the provision of mutual police services among the parties hereto. However, nothing herein shall affect the enforceability of separate mutual aid agreements entered into by the County.

15. Any of the parties hereto may withdraw from this Agreement by giving ninety (90) days written notice to that effect to the other parties.

16. This Agreement is subject to the approval of the governing bodies of the County of Albemarle and Town of Gordonsville and the Sheriffs of the County of Fluvanna and the County of Green.

WHEREBY, the parties hereto have executed this Regional Mutual Aid Agreement, by their authorized representatives, whose signatures are set forth following below as of the day and year first set forth above.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of May 2007, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Oak Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, 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 **Oak Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, to the secondary system of state highways, pursuant to §33.1-229 and to §33.1-82, 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) **Maymont Drive (State Route 1291)** from the intersection of Route 1113 (Oak Hill Drive) to the intersection of Route 1292 (Maymont Court), as shown on plat recorded 03/04/2005 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2932, pages 70-88, with a 50-foot right-of-way width, for a length of 0.08 miles.
- 2) **Maymont Court (State Route 1292)** from .01 miles south of Route 1291 (Maymont Drive) to the cul-de-sac, as shown on plat recorded 03/04/2005 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2932, pages 70-88, with a 40-foot right-of-way width, for a length of 0.07 miles.

Total Mileage – 0.15

ATTACHMENT 5

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of May 2007, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Logan's Run Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, 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 **Logan's Run Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 2, 2007**, to the secondary system of state highways, pursuant to §33.1-229 and to §33.1-82, 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) **Moriah Way (State Route 1053)** from the intersection of Route 616 (Black Cat Road) to the cul-de-sac, as shown on plat recorded 09/29/2003 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2602, pages 379-385, with a 50-foot right-of-way width, for a length of 0.55 miles.

Total Mileage – 0.55

Conditions of Approval for Planning Items**16. PROJECT: SP-2004-050. Flow Automotive Companies Sales and Display (Sign #60).**

1. Vehicles shall not be elevated anywhere on site;
2. Vehicles shall be displayed only in areas indicated for display shown on the site plan entitled "Flow Automotive," prepared by the Collins Engineering, dated April 2, 2007;
3. Display parking shall be only in designated striped parking spaces as identified on this plan;
4. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the proposed use, particularly regarding the retaining wall on the west side of the property;
5. Final site plan approval is subject to the recordation of easements for ingress/egress, as well as the installation, maintenance and use of parking spaces, planter islands, and landscaping on adjacent parcels (Tax Map 78, Parcels 15D and 15E); and
6. Final site plan approval is subject to ARB approval of the lighting plan (which shall be submitted with the site plan). Maximum light levels on site shall not exceed 30 foot candles. *Maximum spillover lighting requirements must also be met.*

17. PROJECT: SP 2007-009. Little Keswick School Amendment (Signs #101&102).

1. Special Use Permit 2007-09 shall be limited to the use of a maximum two (2)-story residential facility the "New Dorm" for students enrolled in the Little Keswick School and for the conversion of the existing "Barn Dorm" to non-residential uses, such as office, recreational, storage, meeting area, or other similar uses. The "New Dorm" shall be located and developed in general accord with the concept plan, titled, "Little Keswick School, Concept Plan" (Attachment A-copy on file in Clerk's office) dated February 16, 2007 (last revision date) (the "Concept Plan"). However, the Zoning Administrator may approve revisions to the Concept Plan to allow compliance with the Zoning Ordinance;
2. Maximum enrollment of students shall be limited to thirty-five (35). Any increase in enrollment shall require an amendment to this special use permit and may require entrance improvements subject to Virginia Department of Transportation requirements;
3. The existing dorm, labeled "Barn Dorm" on the concept plan (Attachment A) shall be subject to review by the Building Official prior to conversion of the existing use to any other use;
4. Construction shall commence within five (5) years of the date of approval of SP-2007-09;
5. Along the shared property line of Tax Map 80-118 and TMP 80-114A (the adjacent neighbor), between the soccer field and the fence, a planting material screen of approximately one hundred twenty-four (124) feet in length and seventeen (17) feet in width shall be established and maintained on TMP 80-118. The planting materials shall consist of a minimum of seventeen (17) Leyland Cypress, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center; and
6. Along the shared property line of Tax Map 80-110, TMP 80-110A and TMP 80-114A (the adjacent neighbor), a plant material screen of approximately three hundred forty (340) feet in length and forty (40) feet in width between the existing gym building and TMP 80-110A shall be established and maintained on TMP 80-110 and a portion of TMP 80-110A. Starting at the gym and proceeding toward TMP 80-110A, the first two hundred sixty (260) feet in length shall be planted with a minimum of forty-five (45) Juniperus Virginiana, each a minimum of eight (8) feet in height, and shall be planted approximately six (6) feet on center. The remaining eighty (80) feet in length shall be planted with a minimum of thirteen (13) Leyland Cypress, each a minimum of six (6) feet in height, and shall be planted approximately six (6) feet on center.

18. **SP-2006-043. Field School (Signs #35,36&39).**

1. Maximum enrollment shall be forty-eight (48) students;
2. Hours of operation for the school shall be from 7:30 a.m. to 6:00 p.m., Monday through Friday;
3. The school is limited to existing buildings and park grounds as indicated on the concept plan (Attachment C-copy on file in Clerk's office). Any additional building or site changes for the school use will require an amendment to this Special Use Permit (SP-2006-043);
4. Prior to issuance of a Zoning clearance for the private school use, water line dedications to the satisfaction of the Albemarle County Service Authority are required;
5. The playgrounds and the park grounds, with the exception of the Community Building, will remain open and available for public use during the hours of school operation;
6. The athletic fields at the park shall not be available for the school's use after 4:00 p.m. on weekdays and shall not be available on weekends;
7. The athletic fields shall not be available for school use when closed by the Department of Parks and Recreation for inclement weather, overuse, fields restoration, or when any other scheduled use is authorized by the Department of Parks and Recreation;
8. The school use may begin and continue only if the Crozet Park covenants and restrictions allow the use;
9. Special Use Permit 2006-043 shall be valid until June 30, 2009; and
10. Shuttle bus service for students to and from school shall be provided each school day.

RESOLUTION OF INTENT

WHEREAS, the purposes of Section 4.2, Critical Slopes, of the Zoning Ordinance are to direct development away from critical slopes to more suitable terrain in order to protect and conserve critical slopes, public drinking water supplies and flood plain areas, and to reduce soil erosion, sedimentation, water pollution and septic disposal problems associated with the disturbance of critical slopes; and

WHEREAS, Section 4.2 establishes minimum requirements for the location of improvements and delineates several exemptions, including an exemption in Section 4.2.6 for accessways (driveways and roads) where no reasonable alternative location or alignment exists; and

WHEREAS, Section 4.2.5 allows modifications and waivers to be granted from the critical slopes requirements under prescribed circumstances, subject to reasonable conditions designed to mitigate the adverse impacts otherwise resulting from the disturbance of critical slopes; and

WHEREAS, in order to better achieve the purposes of Section 4.2, it is desired to allow the disturbance of critical slopes to establish an accessway only if the landowner obtains a modification or waiver, with reasonable conditions, rather than an exemption.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 4 and any other regulations of the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

RESOLUTION OF INTENT

WHEREAS, although the Zoning Ordinance requires safe and convenient access for developments subject to a site plan (Section 32) and parking lots (Section 4.12), and the Subdivision Ordinance imposes minimum design standards for public and private streets to allow safe travel, there are no such minimum standards for driveways to residences in the Rural Areas zoning district; and

WHEREAS, in order to better protect the public safety, it is desired to require that driveways in the Rural Areas zoning district be designed and constructed to assure that fire and rescue vehicles can safely access a residence.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 4 and any other regulations of the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

RESOLUTION OF INTENT

WHEREAS, one of the key purposes of the family subdivision regulations is to promote the cohesiveness of the family; and

WHEREAS, the Rural Areas Plan (the "Plan") was adopted by the Board of Supervisors as part of the Albemarle County Comprehensive Plan on March 2, 2005, and it states that one way to discourage the transfer of lots created by a family subdivision to someone who is not a member of the immediate family is to increase the period the parcel to be subdivided must be owned by the family member before it may be subdivided, and to increase the period each family subdivision lot must be owned by the grantee of a lot created by a family subdivision before it may be transferred to someone who is not a member of the immediate family; and

WHEREAS, Albemarle County Code § 14-212 requires that the grantee of a lot created by a family subdivision not transfer the lot to someone who is not a member of the immediate family for two years from the date of recordation of the plat; and

WHEREAS, in order to better promote the purposes of the family subdivision regulations and to discourage their abuse, it is desired to amend the Subdivision Ordinance to establish a period by which a landowner must own a parcel before it may be subdivided by family subdivision, to extend the period prohibiting the transfer of a lot created by family subdivision to someone who is not a member of the immediate family beyond the current two-year period, and to adopt such other regulations to assure that these requirements are satisfied.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Albemarle County Code § 14-212 and any other regulations of the Subdivision Ordinance deemed appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the subdivision text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.