

ACTIONS
Board of Supervisors Meeting of May 7, 2008

May 9, 2008

<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 9:02 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Mark Graham, Wayne Cilimberg, Ella Jordan and Meagan Hoy. 	
<p>4a. Recognition: Proclamation recognizing <i>May 18-24, 2008 as Emergency Medical Services Week.</i></p> <ul style="list-style-type: none"> Chairman read and presented Proclamation to Dan Eggleston. 	(Attachment 1)
<p>4b. Recognition: Proclamation recognizing <i>May 11-17, 2008 as National Police Memorial Week.</i></p> <ul style="list-style-type: none"> Chairman explained that this proclamation would be presented at the Police Memorial Ceremony next week. 	(Attachment 2)
<p>4c. Recognition: Proclamation recognizing <i>May 2008 as Historic Preservation Month.</i></p> <ul style="list-style-type: none"> Chairman read and presented Proclamation to Steven Meeks, member of the Historic Preservation Committee. 	(Attachment 3)
<p>4d. Dan Eggleston – Harvard University’s Senior Executives in State and Local Government Program.</p> <ul style="list-style-type: none"> Chairman recognized Chief Eggleston for his accomplishment. 	
<p>5. From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> The Board received information from VML regarding changes in legislation that will go into effect July 1st. Mr. Davis said that a summary is being prepared to go to the Board next month. Last night (May 6th) at City Hall she participated on the panel that discussed the water supply plan. She provided an update on the dredging discussion. The Board asked that this item be scheduled as an agenda item at a future date. Steven Meeks of the Albemarle Historical Society/Historic Preservation Committee is looking at options for use of the Old County Jail Building. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> At the recent PACC meeting, Butch Davies was present to talk about transportation and rail crossings. He provided an overview of Mr. Davies information and asked that the Board schedule a work session on all aspects of Rail. Recommended the Board support funding for the Northwest Virginia Health Systems Agency, and asked that staff bring to the Board 	<p><u>Larry Davis:</u> Provide information.</p> <p><u>Clerk:</u> Schedule on agenda when ready to come forward.</p> <p><u>Clerk:</u> Schedule on agenda when ready to come forward.</p> <p><u>Brenda Neitz/Laura Vinzant:</u> Bring forward to Board.</p>

<p>an appropriation.</p> <ul style="list-style-type: none"> • In the December VML update, there was mention of a 2007 mandates assessment catalogue. He would like to get a copy for the Board Office. • He received a letter from David Bailey and Associates regarding the “adopt a school program”. He suggested that either the Board or School Board provide support to the program. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Would like to see the school zone around Broadus Wood Elementary School in Earlysville be lengthened and the speed limit reduced. • Inquired about the status of a report on the use of chemicals in the schools and on the playing fields. Mr. Slutzky stated that this report will be presented to the Board on June 4th. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • He attended the VACo Legislative Agenda Meeting, and the big topic was transportation funding. 	<p><u>Clerk:</u> Proceed as requested.</p>
<p>6. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Fran Lawrence with the Lewis and Clark Exploratory Center gave an update on the Darden Towe Park temporary center. • Paul Accad spoke about the Land Use Taxation Program. • Steven Meeks spoke about the preservation of Hatton Ferry, and said he would love to work with the County on the preservation of the Old County Jail. • David Blount, of TJPDC, invited Board members to the UnJAM 2035 Regional Summit, May 10th, 8:30 a.m. till noon, at Monticello High School. • Jeff Werner, of PEC, urged the Board to clarify the Rail Resolution that is on the consent agenda (Item 7.9). 	
<p>7.2 McIntire Road Skate park Renovation.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the 50 percent cost share of the McIntire Skate park renovation in the amount of \$93,500 as outlined by staff. 	<p><u>Pat Mullaney:</u> Proceed as approved.</p>
<p>7.3 Acquisition of Conservation Easements (ACE) Ranking Order for FY 2007-08 Applicant Class.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the final ranking order for Round 8 (FY 2007-08) as shown on Attachment A (attached to executive summary) and identify the Anderson, Garnett, Hudson (Michael), Riddervold, Dutnell, Hudson (Fred) and Thurman properties as those on which it seeks to purchase conservation easements; and • AUTHORIZED, by a vote of 6:0, appraisals for 	<p><u>Ches Goodall/David Benish:</u> Proceed as approved.</p>

	the Anderson, Garnett, Hudson (Michael), Riddervold, Dutnell, Hudson (Fred) and Thurman properties.	
7.4	Requested FY 2008 Appropriations. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, budget amendment in the amount of \$254,640.51 and APPROVED FY 2008 Appropriations #2008060, #2008061, #2008062, #2008064, #2008065, and #2008066. • REQUESTED the Sheriff provide an update on game enforcement. 	<p><u>Clerk:</u> Forward copy of signed appropriation form to OMB, Finance and appropriate individuals.</p> <p><u>Clerk:</u> Schedule on agenda.</p>
7.5	Appointment of Howard G. Lagomarsino as an Assistant Fire Marshal. <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Resolution appointing Howard G. Lagomarsino, Jr. as an Assistant Fire Marshal with full police powers as authorized in Virginia Code §§ 27-34.2:1 and 27-36. 	<u>Clerk:</u> Forward copy of resolution to James Baber, Fire/Rescue. (Attachment 4)
7.6	Habit for Humanity Southwood Clean Up Project. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, donation to Habitat for Humanity not to exceed \$3,000.00 to pay for tipping fees associated with the Comcast Cares Clean up Day on May 3. 	<u>Lee Catlin/George Shadman:</u> Proceed as approved.
7.7	Rural Rustic Roads Paving Projects. <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Resolutions designating both sections of Walnut Level Road, Old Green Mountain Road, and Estes Ridge Road as Rural Rustic Roads and REQUESTED VDOT to hard surface these road segments as Rural Rustic Road paving projects. SUPPORTED staff's recommendation to not pave Red Hill Road at this time, that staff will further evaluate the need for this project and provide additional comments to the Board. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Juan Wade and David Benish. (Attachments 5, 6, 7 and 8)</p> <p><u>Juan Wade/David Benish:</u> Proceed as approved.</p>
7.8	Revised Historic Preservation Committee Rules of Procedure Regarding Membership. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, revised Rules of Procedure. 	<u>Clerk:</u> Forward copy to Margaret Maliszewski and update Boards and Commissions information. (Attachment 9)
7.9	State Rail Plan Resolution. <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Resolution as amended at the Board Meeting. 	<u>Clerk:</u> Forward copy to Meredith Richards, Matthew Tucker and Juan Wade. (Attachment 10)
7.10	FY 2008/2009 Resolution of Appropriations. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the Annual Resolution of Appropriations for FY 08/09 that allocates a total of \$333,715,685 to the various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 08/09. • ADOPTED, by a vote of 6:0, the Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<u>Clerk:</u> Forward copy of resolutions to Finance and School Division. (Attachments 11 and 12)
8.	Request to change name of Industrial Development Authority to Economic Development Authority. <ul style="list-style-type: none"> • SET, by a vote of 6:0, public hearing for June 4th, to consider an ordinance to change the name of the Industrial Development Authority 	<u>Clerk:</u> Advertise public hearing.

	of Albemarle County to Economic Development Authority of Albemarle County.	
9.	<p>Formation of Crozet Library Steering Committee.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the formation and charge of the Crozet Library Steering Committee. APPOINTED Ann Mallek and Sally Thomas as Board representatives, and Bill Letteri as Chair of the Committee. 	<u>Clerk:</u> Update Boards and Commissions book and webpage. Forward copy of charge to Lee Catlin and Bill Letteri. (Attachment 13)
10.	<p>Local Government Resource Management.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, that staff proceed with funding an external entity to evaluate local government's resource management, with the study limited to the scope described in the executive summary, specifically item 1 on page #3 which reads: <u>"A one-time general overview of all County operations:</u> Such a one-time study would closely resemble the school division's 2007 Resource Utilization Study by broadly examining how the County utilizes its dollars, people and facilities to achieve results. This type of review would best capture improvements or savings associated with inter-departmental processes and costs. However, because of the broad nature of this study and the County's wide range of provided services, this type of review will likely not examine detailed department specific processes, though it may assist in identifying departments that could benefit the most from an external evaluation conducted exclusively within a department or function. Finally, it is worth noting such a study is unlikely to be completed as quickly as the school division's review, again due to the County's more diverse mission and group of departments." As well as the paragraph which reads: "In considering a study's purpose or how it should be completed, it is important to note that in staff's review of other external evaluations, none were conducted where "efficiency" was the sole purpose. While "efficiency" certainly is examined, it is not done in isolation of management practices and effectiveness, both of which are critical components of being a good organization." 	<u>Tom Foley:</u> Proceed as directed and bring scope back to Board for their final approval.
11.	<p>Regulating the number of adult dogs allowed per dwelling in residential zoning districts.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Resolution of Intent, as modified at Board meeting. 	<u>Clerk:</u> Forward resolution to Wayne Cilimberg and Mark Graham. (Attachment 14)
12.	<p>Set public hearing to consider proposed ordinance which addresses animal noises.</p> <ul style="list-style-type: none"> • SET, by a vote of 6:0, public hearing for June 11, 2008. 	<u>Clerk:</u> Advertise and schedule on agenda for June 11, 2008.
13.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:24 p.m. the Board went into closed 	

	<p>meeting to consider appointments to boards, committees, and commissions; to conduct an administrative evaluation, and to discuss with legal counsel and staff specific legal matters regarding an agreement related to emergency services.</p>
<p>14. Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 2:14 p.m., the Board reconvened into open session and certified the closed meeting. 	
<p>15. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> APPOINTED Nancy Virginia Bain, Jon Mikalson, William Schrader, and Kelly Strickland to the Crozet Community Advisory Council with said terms to expire March 31, 2010. APPOINTED Christopher Dumler to the Fire Prevention Code of Appeals with said term to expire November 21, 2012. APPOINTED Michael Peoples, as the AHIP Representative, to the Housing Committee, to fill an unexpired term which will expire December 31, 2008. APPOINTED Andrew Dracopoli, Daniel Goodall, and Cal Morris (Planning Commission Member) to the Pantops Community Advisory Council. APPOINTED Margaret DeMallie to the Route 250 West Task Force to fill an unexpired term which will expire September 5, 2009. REAPPOINTED Clyde Gouldman to the Region Ten Community Services Board with said term to expire June 30, 2011. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>16a. VDOT Monthly Report/Advance Mills Bridge Update.</p> <ul style="list-style-type: none"> RECEIVED. Austin Schuler, an 8th grade student from Jack Jouett Middle School, discussed a school project he prepared in which he addressed the need for better detour signs for the Advance Mills Bridge. Allan Sumpter said VDOT will be placing signs indicating “alternate routes” as opposed to “detours”. He indicated that everything is currently on schedule with an anticipated July 8th public hearing, 5:00 p.m. – 7:00 p.m., at the Best Western on Route 29, in Greene County. Announced that Darin Simpson took a position with Regional Traffic Operations. Introduced Christopher Byington as the newly hired Assistant Residency Administrator. 	
<p>16b. Transportation Matters not Listed on the Agenda. <u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Asked if the safety improvement project on Route 29 at the Post Office is still on schedule. Joel Denunzio stated that the work is expected to begin the week of May 19, 2008. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> Thanked VDOT for a job well-done on the 	<p><u>Clerk:</u> Forward comments to Sue Kennedy and Allan Sumpter.</p>

<p>safety improvements on Hillsdale.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Thanked VDOT for its work on Stribling Avenue, and for the traffic calming work in Batesville. • Thanked VDOT for its creating thinking in moving forward with the Reservoir Road project. <p><u>David Benish:</u></p> <ul style="list-style-type: none"> • Provided an updated on the Luck Stone Route 250/Route 22 project. The project is proceeding forward and Luck Stone is no longer requesting additional funding from the County. 	
<p>17. <u>PROJECT: SP-2007-064. Camp Watermarks (Sign #29).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2007-064 subject to the 14 conditions recommended. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 15)</p>
<p>18. <u>PROJECT: SP-2007-065. Herring Property - Verizon Wireless PSWF (Signs #30&72).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2007-065 subject to the six conditions recommended. • APPROVED, by a vote of 6:0, waiver of Section 4.2.5, the disturbance of critical slopes for SP-2007-065. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 15)</p>
<p>19. <u>PROJECT: ZMA-2007-025. Wavertree Hall LLC (Signs #104&105).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA-2007-025 subject to the applicant's proffers dated March 26, 2008. 	<p><u>Clerk:</u> Set out proffers. (Attachment 16)</p>
<p>20. <u>PROJECT: ZTA-2007-006. Monticello Historic District (MHD) - Monticello Scholar Residence.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Ordinance 08-18() approving ZTA-2007-006. 	<p><u>Clerk:</u> Forward signed copy of ordinance to Community Development and County Attorney's office. Set out adopted ordinance. (Attachment 17)</p>
<p>21. <u>PROJECT: ZMA-2007-023. Montalto (Signs #87&90).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA-2007-023 subject to the applicant's proffers dated April 21, 2008. 	<p><u>Clerk:</u> Set out proffers. (Attachment 18)</p>
<p>22. <u>WPTA-2008-001. Water Protection Ordinance: stream crossings for roads, streets and driveways; mitigation plans.</u></p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, Ordinance 08-17(2) approving WPTA-2008-001. 	<p><u>Clerk:</u> Forward signed copy of ordinance to Community Development and County Attorney's office. Set out adopted ordinance. (Attachment 19)</p>
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked when the cell tower work session is scheduled. Mr. Cilimberg responded that the Planning Commission is holding a work session on May 13, 2008 as part of its regular meeting. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Suggested the Board recognize and thank the members of the Mountain Overlay District Committee for their work. <p><u>Bob Tucker:</u></p> <ul style="list-style-type: none"> • This morning Mr. Rooker mentioned an 	<p><u>Clerk:</u> Prepare Certificate of Appreciation for Committee members.</p>

<p>appropriation for the Northwest Virginia Health Systems Agency. The amount is \$4,723. To date the City has not funded their request. He asked if Board members want to fund the request subject to City funding or staff bring forward an appropriation.</p>	
<p>24. Adjourn to May 14, 2008, 3:30 p.m.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 4:39 p.m. to May 14, 2008, 3:30 p.m. 	

ewj/mrh

- Attachment 1 – Proclamation recognizing *May 18-24, 2008 as Emergency Medical Services Week*
- Attachment 2 – Proclamation recognizing *May 11-17, 2008 as National Police Memorial Week.*
- Attachment 3 – Proclamation recognizing *May 2008 as Historic Preservation Month*
- Attachment 4 – Resolution appointing Howard G. Lagomarsino, Jr. as an Assistant Fire Marshal
- Attachment 5 – Walnut Level Road (Rt. 668) Resolution
- Attachment 6 – Walnut Level Road (Rt. 765) Resolution
- Attachment 7 – Old Green Mountain Road (Rt. 722) Resolution
- Attachment 8 – Estes Ridge Road (Rt. 806) Resolution
- Attachment 9 – Historic Preservation Committee Rules of Procedures
- Attachment 10 – State Rail Resolution
- Attachment 11 – Resolution of Appropriations
- Attachment 12 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing
- Attachment 13 – Crozet Library Steering Committee Charge
- Attachment 14 – Resolution of Intent regulating the number of adult dogs allowed per dwelling in residential zoning districts
- Attachment 15 – Conditions of Approval on Planning items
- Attachment 16 – Proffers – ZMA-2007-025 Wavertree Hall LLC
- Attachment 17 – Ordinance No. 08-18(2) ZTA-2007-06 Monticello Historic District
- Attachment 18 – Proffers – ZMA-2007-23 Montalto
- Attachment 19 – Ordinance No. 08-17() WPTA-2008-001

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 EMS providers by designating Emergency Medical Services Week; now*

NOW THEREFORE, BE IT RESOLVED that I, Kenneth C. Boyd, Chairman on behalf of the Albemarle County Board of Supervisors, do hereby proclaim

May 18-24, 2008

as

Emergency Medical Services Week

with the theme



“EMS: Your Life is Our Mission”

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, *the calendar week in which it falls was proclaimed "Police Week" in recognition of the service given by the men and women who night and day protect the citizens through enforcement of our laws; 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;*

NOW, THEREFORE, I, Kenneth C. Boyd, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby declare and set aside the week of

May 11 through May 17, 2008, as

NATIONAL POLICE MEMORIAL WEEK

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

HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*This Place Matters*" is the theme for National Preservation Month 2008, co-sponsored by the County of Albemarle, the Commonwealth of Virginia, and the National Trust for Historic Preservation;

NOW, THEREFORE, We, the Albemarle County Board of Supervisors, do proclaim

May 2008 as Historic Preservation Month,

and call upon the people of the County of Albemarle to join their fellow citizens across the Unites States in recognizing and participating in this special observance.

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 Howard G. Lagomarsino, Jr. as an assistant fire marshal with police powers will promote the efficient and effective operation of the County of Albemarle Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Howard G. Lagomarsino, Jr. as 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
TO PAVE WALNUT LEVAL ROAD BETWEEN ROUTE 765 AND ROUTE 810
USING RURAL RUSTIC ROAD STANDARDS**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise Section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 668 (Walnut Level Road) between Route 765 to Route 810 should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its Secondary System of State Highways:

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION
TO PAVE WALNUT LEVEL ROAD BETWEEN ROUTE 668 TO END OF STATE MAINTENANCE USING
RURAL RUSTIC ROAD STANDARDS**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise Section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 765 (Walnut Level Road) between Route 668 to End of State Maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its Secondary System of State Highways:

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION
TO PAVE OLD GREEN MOUNTAIN ROAD
USING RURAL RUSTIC ROAD STANDARDS**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise Section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 722 (Old Green Mountain Road) between Route 6 to Route 723 should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its Secondary System of State Highways:

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION
TO PAVE ESTES RIDGE ROAD
USING RURAL RUSTIC ROAD STANDARDS**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise Section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 806 (Estes Ridge Road) between Route 663 to End of State Maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**ALBEMARLE COUNTY HISTORIC PRESERVATION COMMITTEE
RULES OF PROCEDURE**

1. Officers and Membership

- A. Chairman. At its annual meeting, the Committee shall elect a Chairman who, if present, shall preside at the meeting and at all other meetings during the year for which elected.
- B. Vice-Chairman. At its annual meeting, the Committee shall elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability.
- C. Secretary. At its annual meeting, the Committee shall elect a Secretary, who, if present, shall record the proceedings of the meeting.
- D. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms.
- E. Absence of Chairman and Vice-Chairman. If the Chairman and Vice-Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.
- F. Leaves of Absence. Upon the request of a member, the Committee may vote to allow that member to take a leave of absence from membership for no more than six months. No more than two voting members may be on leave of absence at the same time. For purposes of establishing a quorum, the voting membership of the committee shall be reduced by the number of members on leave of absence at the time the meeting is held.
- G. Advisory Members. The Committee may designate members as "Advisory" members. Advisory members may participate in Committee discussions and Committee work, but they shall not be voting members and their attendance at a meeting shall not be counted towards that number required to constitute a quorum.
- H. Number of Members. Voting members of the Historic Preservation Committee shall be appointed by the Board of Supervisors and shall be limited to twelve.
- I. Terms. Members shall serve three-year staggered terms with 1/3 of the membership appointed each year.

2. Meetings

- A. Annual Meeting. The first meeting in January of each year shall be known as the annual meeting. At the annual meeting, the Committee shall establish the day, time, and place for regular meetings of the Committee for that year, and shall elect the chairman, vice-chairman, and secretary.
- B. Regular Meetings. The Committee shall meet in regular session at the time and place and on the day or days established for regular meetings. The Committee may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Committee members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. This finding shall be communicated to the members of the Committee and to the press as promptly as possible.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Committee is complete.

- C. Attendance. Two unreported absences from regular meetings shall be considered grounds for dismissal from the Committee.

3. Order of Business

- A. Establishment of Agenda. The agenda for each regular meeting shall be established by staff in consultation with the Chairman.

- B. Organization of the Agenda. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chairman and with the consensus of the other members of the Committee:

- (1) Call to order
- (2) Announcements
- (3) Scheduled presentations
- (4) Discussion Items
- (5) Questions for the Members
 - New owners of historic properties?
 - Threatened properties to watch?
 - Recently demolished structures?
 - Resources available to assist in implementation of HP plan?
- (6) Subcommittee Updates
- (7) Other business
- (8) Adjourn

- C. Deferrals. The Committee may defer any matter at the request of a member of the Committee, or County staff. The request may be either oral or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefor. A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely.

4. Quorum

A simple majority of the members of the Committee not on leave of absence shall constitute a quorum for any meeting of the Committee. If, during a meeting, less than a majority of the members of the Committee remains present, no action can be taken except to adjourn the meeting. If, prior to adjournment, a quorum is again established, the meeting shall continue.

5. Voting Procedures

- A. Approval of Motion by Majority. Except for a decision on a motion of the previous question, each decision of the Committee shall be made by approval of a majority of the members present and voting on a motion properly made by a member and properly seconded by another member. Any motion that is not seconded shall not be further considered.
- B. Manner of Vote. The vote on a motion pertaining may be either by roll call vote or voice vote, in the discretion of the Chairman; provided that a roll call vote on such a motion shall be required if requested by a member of the Committee. For each roll call vote, staff shall record the name of each member voting and how the member voted on the motion. For each voice vote, staff shall record the result of the vote.
- C. Tie Vote. A tie vote shall defeat the motion voted upon.

- D. Abstention. If any member abstains from voting on any motion, he shall state his abstention. The abstention shall be announced by the Chairman and recorded by staff.
- E. Motion to Amend. A motion to amend a motion before the Committee shall be discussed and voted by the Committee before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Committee for its consideration. If the motion to amend is not approved, the original motion is again before the Committee for its consideration.

6. Amendment of Rules of Procedure

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

7. Suspension of Rules of Procedure

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

8. Rules of Procedure not Covered by These Rules of Procedure

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

* * * * *

(Adopted April 26, 2004; Amended May 7, 2008)

**STATE RAIL PLAN
RESOLUTION**

WHEREAS, the Virginia Department of Rail and Public Transportation (VDRPT) is developing a State Rail Plan that will address the present and future needs for rail in the Commonwealth and provide a strategy to address them; and

WHEREAS, the State Rail Plan will address commuter, intercity, higher speed and high speed rail services as well as multimodal integration of rail with other modes of transportation; and

WHEREAS, the DRPT has asked for public input on the needs, priorities and rail improvements to be considered when developing the State Rail Plan; and

WHEREAS, the US29 – I-66 (Piedmont) rail corridor between Danville and Alexandria is home to 30 percent of the state's population; and

WHEREAS, the cities, towns and counties of the Piedmont Corridor have experienced significant growth — both residential and commercial — and with it, significant increases in highway traffic travel time for through-corridor trips; and

WHEREAS, the City of Charlottesville and the surrounding Albemarle County, home of Thomas Jefferson and the University of Virginia, have been a transportation cross roads since colonial times, as well as a major east-west and north-south rail hub; and

WHEREAS, fifty years ago, when the combined population of the City of Charlottesville and Albemarle County was less than 60,000 and the University of Virginia had an enrollment of 5,000 students, the City was the stop for 22 passenger trains a day operated by the Southern and C & O Railroads; and

WHEREAS, today, with a metro area population of almost 200,000 and a University enrollment of more than 20,000, the community is served by only one round-trip train a day between New Orleans and New York and an additional train three days a week between Chicago and New York; and

WHEREAS, these trains are frequently overbooked and cannot meet the passenger demand in our area, and ridership is hampered by the poor on-time performance (Crescent 68%; Cardinal 18%) on their long-distance routes, due largely to interference with freight and poor infrastructure in non-Virginia portions of the route; and

WHEREAS, in spite of these impediments the Charlottesville Amtrak station has the highest ridership per scheduled weekly train of any Amtrak station in Virginia, including Richmond, Newport News, Alexandria, Fredericksburg and Williamsburg; and

WHEREAS, a Charlottesville Regional Chamber of Commerce survey found that more than 60 percent of area businesses regularly conduct business in DC and Northern Virginia; 84 percent of the time they travel there by car, and more than two-thirds (66.6 percent) said they would use rail as an alternative if a speedy rail line were available; and

WHEREAS, the relocation of more of the Federal Government's national security activity from the Washington area into Albemarle County, the increase in the extent and national reputation of the University's healthcare and research activities, and the rising cost of oil and the environmental concerns brought on by carbon based emissions have heightened the interest in energy efficient and environmentally friendly alternatives to the automobile, and VDRPT has calculated that new Piedmont Corridor rail service would reduce CO2 emissions by over 1500 tons/year; and

WHEREAS, recognizing Charlottesville as an underserved market, Amtrak has recommended to VDRPT that steps be taken to implement new Lynchburg to Washington rail service “as soon as possible” – including any capital improvements needed to the existing rail line by the host railroad; and

WHEREAS, Amtrak reports that the addition of a second daily train can be accomplished easily and at a relatively low cost; and

WHEREAS, the Route 29 passenger rail corridor is significantly under-served compared to the I-95 corridor, where the State has made massive investments for rail infrastructure and operations, having fewer than one-half the weekly service of Newport News and one-sixth the weekly service of Richmond; and

WHEREAS, an application for State Rail Enhancement Funds (REF) for capital investments in the corridor in support of the proposed new Amtrak passenger service has been developed by Norfolk Southern Railroad and is included in the list of projects recommended by VDRPT for inclusion in the State’s 2009-2014 Six Year Improvement Program;

NOW THEREFORE BE IT RESOLVED, that the Albemarle County Board of Supervisors urges the VDRPT to include enhanced passenger rail service for US29 (Piedmont Corridor) in the State Rail Plan, specifically the proposed new daily direct service between Lynchburg and Washington, DC and on to New York and Boston, as proposed by Amtrak; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors urges the Commonwealth Transportation Board to approve the DRPT’s recommended REF funding needed for infrastructure investments to support new passenger service in the corridor; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors requests that the DRPT identify the US29 corridor as the State’s top priority for funding new rail service according to Amtrak’s recommended Short Term Action Plan for Advancing Passenger Rail in the Commonwealth.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING JUNE 30, 2009**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2009; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT (Fund 1000)

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2009:

Paragraph One: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds and Abatements	\$169,500
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Paragraph Two: GENERAL MANAGEMENT AND SUPPORT

Board of Supervisors	\$529,699
County Attorney	\$906,986
County Executive	\$1,084,020
Department of Finance	\$4,444,245
Department of Human Resources	\$916,869
Department of Information Technology	\$2,655,164
Voter Registration/ Elections	<u>\$506,649</u>
	\$11,043,632

Paragraph Three: JUDICIAL

Circuit Court	\$102,176
Clerk of the Circuit Court	\$734,588
Commonwealth's Attorney	\$905,049
General District Court	\$19,100
Juvenile Court	\$114,833
Magistrate	\$4,800
Sheriff's Office	<u>\$1,980,405</u>
	\$3,860,951

Paragraph Four: PUBLIC SAFETY

Albemarle County Fire/Rescue Department	\$6,788,770
Building Codes and Inspections	\$1,058,535
Community Attention Home	\$60,149
Department of Police	\$12,580,232
Emergency Communications Center	\$2,008,069
Fire Department Contract (City of Charlottesville)	\$655,000
Fire/Rescue Credit	\$50,430
Forest Fire Extinguishment	\$13,216
Juvenile Detention Center	\$769,767
Offender Aid and Restoration (OAR)	\$155,382
Regional Jail Authority	\$3,347,030
SPCA Contract	\$175,650
Thomas Jefferson EMS Council	\$21,184
Volunteer Fire Departments	\$1,240,783
Volunteer Rescue Squads	<u>\$447,045</u>
	\$29,371,242

Paragraph Five: GENERAL SERVICES / PUBLIC WORKS

Facilities Development Department	\$757,805
General Services	\$3,515,460
Rivanna Solid Waste Authority	\$400,000
	\$4,673,265

Paragraph Six: HUMAN SERVICES

AIDS Support Group	\$4,861
Arc of the Piedmont Infant Development Program	\$8,970

Bright Stars Transfer	\$794,092
BRMC - Latino Lay Health Promoter	\$5,613
Charlottesville - Albemarle Legal Aid Society (CALAS)	\$38,494
Charlottesville Free Clinic	\$9,819
Children, Youth and Family Services (CYFS)	\$97,614
Commission on Children & Families (CCF)	\$250,292
Comprehensive Services Act Transfer	\$2,636,432
Computers4Kids	\$20,253
Department of Social Services	\$11,434,730
Health Department	\$938,097
JAUNT	\$725,492
Jefferson Area Board on Aging (JABA)	\$280,478
Madison House	\$10,370
Music Resource Center	\$6,335
Piedmont CASA	\$8,925
Piedmont Virginia Community College (PVCC)	\$23,475
Piedmont Workforce Network	\$13,805
Region Ten Community Services	\$566,276
Sexual Assault Resource Agency (SARA)	\$23,690
Shelter for Help in Emergency (SHE)	\$89,974
Tax Relief for Elderly/Disabled	\$678,638
Teen Pregnancy Programs Contingency	\$28,395
United Way - Information and Referral Center	\$12,875
United Way -Child Care	\$106,632
Urban Vision	<u>\$25,220</u>
	\$18,853,734

Paragraph Seven: PARKS, RECREATION AND CULTURE

African American Festival	\$3,000
Ash-Lawn Highland	\$10,164
Darden Towle Park Transfer	\$151,682
Department of Parks & Recreation	\$2,321,163
Jefferson-Madison Regional Library	\$3,173,138
Literacy Volunteers	\$26,355
Municipal Band	\$18,190
Piedmont Council of the Arts	\$12,594
Save the Fireworks	\$10,000
Virginia Discovery Museum	\$11,978
Virginia Festival of the Book	\$11,960
Virginia Film Festival	\$16,380
Visitors Bureau	\$545,721
WHTJ Public Television	\$5,463
WVPT Public Television	\$5,463
	\$6,323,251

Paragraph Eight: COMMUNITY DEVELOPMENT

Albemarle Housing Improvement Program (AHIP)	\$416,328
Alliance for Community Choice in Transportation	\$6,500
Central Virginia Small Business Development Center	\$7,800
Charlottesville Transit Service	\$678,372
Department of Community Development	\$5,227,954
Housing Office	\$794,958
Monticello Area Community Action Agency (MACAA)	\$179,060
Piedmont Housing Alliance (PHA)	\$113,396
Planning District Commission (TJPDC)	\$108,292
Soil and Water Conservation	\$95,921
Stream Watch	\$10,816
VPI Extension Service	<u>\$195,445</u>
	\$7,834,842

Paragraph Nine: CAPITAL OUTLAYS

Transfer to General Government Capital Improvements Fund - Recurring	\$8,427,962
Transfer to Schools Capital Improvements Fund	\$1,000,000
Transfer to Storm Water Fund	\$800,000
	\$10,227,962

Paragraph Ten: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement	\$13,633,950
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Paragraph Eleven: OTHER USES OF FUNDS

Board Contingency Reserve	\$447,118
Revenue Shortfall Contingency	\$1,614,072
Salary Contingency - Merit	\$224,000
Salary Contingency - Reclassifications	\$20,000
Total Rewards	\$25,000
Transfer to General Government Debt Service	\$1,930,644
Transfer to School Division Debt Service	\$12,913,103
Transfer to School Fund - Recurring	<u>\$101,225,059</u>
	\$118,398,996

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2009: \$224,391,325

To be provided as follows:

Revenue from Local Sources	\$194,720,789
Revenue from Local Sources - Transfers	\$1,474,241
Revenue from the Commonwealth	\$23,530,551
Revenue from the Federal Government	\$4,254,244
Revenue from Fund Balance	\$411,500

Total GENERAL FUND resources available for fiscal year ending June 30, 2009: \$224,391,325

SECTION II: REGULAR SCHOOL FUND (Fund 2000)

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: REGULAR SCHOOL FUND

Administration, Attendance & Health	\$11,061,434
Facilities Construction/ Modification	\$147,600
Facilities Operation/ Maintenance	\$13,959,360
Instruction	\$111,647,121
Pupil Transportation Services	\$9,830,408
Other Uses of Funds	\$4,650,019

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2009: \$151,295,942

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$101,225,059
Revenue from Other Local Sources	\$946,553
Revenue from School Fund Balance, Carry-Over, Transfers	\$1,345,546
Revenue from the Commonwealth	\$45,110,478
Revenue from the Federal Government	\$2,668,306

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2009: \$151,295,942

SECTION III: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: FOOD SERVICES (Fund 3000)

Maintenance/ Operation of School Cafeterias	\$4,340,873
Summer Feeding	<u>\$300,000</u>

Total FOOD SERVICES appropriations for fiscal year ending June 30, 2009: \$4,640,873

To be provided as follows:

Revenue from Local Sources	\$3,270,452
Revenue from the Commonwealth	\$56,000
Revenue from the Federal Government	<u>\$1,314,421</u>

Total FOOD SERVICES resources available for fiscal year ending June 30, 2009: \$4,640,873

Paragraph Two: PRE-SCHOOL SPECIAL EDUCATION FUND (Fund 3205)

Special Ed Pre-School Program	<u>\$67,416</u>
Total PRE-SCHOOL SPECIAL EDUCATION FUND appropriations for fiscal year ending June 30, 2009:	\$67,416
To be provided as follows:	
Revenue from the Federal Government	<u>\$67,416</u>
Total PRE-SCHOOL SPECIAL EDUCATION FUND resources available for fiscal year ending June 30, 2009:	\$67,416

Paragraph Three: McINTIRE TRUST FUND (Fund 3501)

Payment to County Schools	<u>\$10,000</u>
Total McINTIRE TRUST FUND appropriations for fiscal year ending June 30, 2009:	\$10,000
To be provided as follows:	
Revenue from Investments Per Trust	<u>\$10,000</u>
Total McINTIRE TRUST FUND resources available for fiscal year ending June 30, 2009:	\$10,000

Paragraph Four: PREP PROGRAM

C. B. I. P. Severe (Fund 3201)	\$1,037,286
E. D. Program (Fund 3202)	<u>\$818,586</u>
Total PREP PROGRAM appropriations for fiscal year ending June 30, 2009:	\$1,855,872
To be provided as follows:	
Revenue from Tuition and Fees	<u>\$1,855,872</u>
Total PREP PROGRAM resources available for fiscal year ending June 30, 2009:	\$1,855,872

Paragraph Five: FEDERAL PROGRAMS

Adult Education (Fund 3115)	\$126,500
Carl Perkins (Fund 3207)	\$161,441
Chapter I (Fund 3101)	\$1,318,896
Drug Free Schools (Fund 3107)	\$37,881
Migrant Education (Fund 3103)	\$113,191
Title II (Fund 3203)	\$394,970
English Literacy/Civics (Fund 3221)	\$116,500
Economically Dislocated Workers (Fund 3116)	\$50,000
Title III (Fund 3215)	\$113,870
Title V (Fund 3216)	\$14,023
Reading First (Fund 3302)	\$172,000
21st Century Grant (Fund 3219)	\$163,177
Technology Challenge Grant (Fund 3131)	\$15,058
Race to GED (Fund 3309)	\$29,876
Families in Crisis (Fund 3304)	<u>\$25,000</u>
Total FEDERAL PROGRAMS appropriations for fiscal year ending June 30, 2009:	\$2,852,383
To be provided as follows:	
Revenue from Local Sources	\$54,000
Revenue from Local Sources (Transfer from School Fund)	\$50,000
Revenue from the Federal Government	<u>\$2,748,383</u>
Total FEDERAL PROGRAMS resources available for fiscal year June 30, 2009:	\$2,852,383

Paragraph Six: COMMUNITY EDUCATION FUND (Fund 3300)

Community Education	<u>\$1,620,115</u>
Total COMMUNITY EDUCATION FUND appropriations for fiscal year ending June 30, 2009:	\$1,620,115

To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$1,620,115</u>
Total COMMUNITY EDUCATION FUND resources available for fiscal year ending June 30, 2009:	\$1,620,115
Paragraph Seven: SUMMER SCHOOL (Fund 3310)	
Summer School	<u>\$550,183</u>
Total SUMMER SCHOOL appropriations for fiscal year ending June 30, 2009:	\$550,183
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$239,243</u>
Revenue from Local Sources (Tuition)	<u>\$171,440</u>
Miscellaneous Revenues	<u>\$2,000</u>
Revenue from the Commonwealth	<u>\$137,500</u>
Total SUMMER SCHOOL resources available for fiscal year ending June 30, 2009:	\$550,183
Paragraph Eight: SCHOOL BUS REPLACEMENT (Fund 3905)	
School Bus Replacement	<u>\$500,000</u>
Total SCHOOL BUS REPLACEMENT appropriations for fiscal year ending June 30, 2009:	\$500,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$500,000</u>
Total SCHOOL BUS REPLACEMENT resources available for fiscal year ending June 30, 2009:	\$500,000
Paragraph Nine: AIMR SUMMER RENTAL FUND (Fund 3145)	
AIMR Summer Rental	<u>\$446,010</u>
Total AIMR SUMMER RENTAL FUND appropriations for fiscal year ending June 30, 2009:	\$446,010
To be provided as follows:	
Revenue from Local Sources (rental)	<u>\$446,010</u>
Total AIMR SUMMER RENTAL FUND resources available for fiscal year ending June 30, 2009:	\$446,010
Paragraph Ten: INTERNAL SERVICE - VEHICLE MAINTENANCE FUND (Fund 3910)	
Vehicle Maintenance	799,536
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2009:	\$799,536
To be provided as follows:	
Revenue from Local Sources (Charges)	<u>\$799,536</u>
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND resources available for fiscal year ending June 30, 2009:	\$799,536
Paragraph Eleven: GENERAL ADULT EDUCATION FUND (Fund 3133)	
General Adult Education	\$19,000
Total GENERAL ADULT EDUCATION FUND appropriations for fiscal year ending June 30, 2009:	\$19,000
To be provided as follows:	
Revenue from Local Sources	<u>\$9,000</u>
Revenue from the Commonwealth	<u>\$10,000</u>
Total GENERAL ADULT EDUCATION FUND resources available for fiscal year ending June 30, 2009:	\$19,000

Paragraph Twelve: DRIVERS SAFETY FUND (Fund 3305)

Drivers Safety Fund	<u>\$401,500</u>
Total DRIVERS SAFETY FUND appropriations for fiscal year ending June 30, 2009:	\$401,500
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$341,000</u>
Revenue from the Commonwealth	<u>\$60,500</u>
Total DRIVERS SAFETY FUND resources available for fiscal year ending June 30, 2009:	\$401,500

Paragraph Thirteen: OPEN DOORS FUND (Fund 3306)

Open Doors Fund	<u>\$123,000</u>
Total OPEN DOORS FUND appropriations for fiscal year ending June 30, 2009:	\$123,000
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$120,000</u>
Revenue from Local Sources (Advertisements)	<u>\$3,000</u>
Total OPEN DOORS FUND resources available for fiscal year ending June 30, 2009:	\$123,000

Paragraph Fourteen: STATE PROGRAMS

Special Education Jail Program (Fund 3212)	\$140,489
Algebra Readiness (Fund 3152)	\$38,000
Individualized Student Alternative Education (Fund 3142)	\$23,576
Teacher Mentor Program (Fund 3151)	<u>\$9,586</u>
Total STATE PROGRAMS appropriations for fiscal year ending June 30, 2009:	\$211,651
To be provided as follows:	
Revenue from the Commonwealth	<u>\$211,651</u>
Total STATE PROGRAMS resources available for fiscal year ending June 30, 2009:	\$211,651

Paragraph Fifteen: AMERICAN HISTORY GRANT (Fund 3158)

1 American History Grant	<u>\$95,000</u>
Total AMERICAN HISTORY GRANT appropriations for fiscal year ending June 30, 2009:	\$95,000
To be provided as follows:	
Revenue from Local Sources	<u>\$95,000</u>
Total TNE PARTNERSHIP GRANT resources available for fiscal year ending June 30, 2009:	\$95,000

Paragraph Sixteen: COMPUTER EQUIPMENT REPLACEMENT FUND (Fund 3907)

Computer Equipment Replacement Fund	<u>\$1,000,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND appropriations for fiscal year ending June 30, 2009:	\$1,000,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$1,000,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND resources available for fiscal year ending June 30, 2009:	\$1,000,000

Paragraph Seventeen KLUGE-CLUB YANCEY (Fund 3157)

Kluge-Club Yancey	<u>\$20,000</u>
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Total KLUGE-CLUB YANCEY appropriations for fiscal year ending June 30, 2009:	\$20,000
To be provided as follows:	
Revenue from Local Sources	<u>\$20,000</u>
Total KLUGE-CLUB YANCEY resources available for fiscal year ending June 30, 2009:	\$20,000
Paragraph Eighteen: FOUNDATION FOR EXCELLENCE (Fund 3502)	
Foundation for Excellence	\$12,000
Total FOUNDATION FOR EXCELLENCE appropriations for fiscal year ending	\$12,000
To be provided as follows:	
Revenue from Local Sources (Miscellaneous)	<u>\$12,000</u>
Total FOUNDATION FOR EXCELLENCE resources available for fiscal year ending June 30, 2009:	\$12,000
Paragraph Nineteen: Textbook Replacement Fund	
Textbook Replacement	\$1,300,950
Total TEXTBOOK REPLACEMENT FUND appropriations for fiscal year ending	\$1,300,950
To be provided as follows:	
Revenue from Local Sources (Transfer)	<u>\$1,300,950</u>
Total TEXTBOOK REPLACEMENT FUND resources available for fiscal year ending June 30, 2009:	\$1,300,950
 GRAND TOTAL - OTHER SCHOOL FUNDS	 <u><u>\$16,525,489</u></u>

SECTION IV: OTHER SPECIAL REVENUE FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: COMPREHENSIVE SERVICES ACT FUND (Fund 1551)	
Comprehensive Services Act Program Expenditures	\$7,308,722
Total COMPREHENSIVE SERVICES ACT appropriations for fiscal year ending June 30, 2009:	\$7,308,722
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$2,636,432
Revenue from Local Sources (Transfer from School Fund)	\$1,040,000
Revenue from the Commonwealth	<u>\$3,632,290</u>
Total COMPREHENSIVE SERVICES ACT resources available for fiscal year ending June 30, 2009:	\$7,308,722
Paragraph Two: BRIGHT STARS 4 YEAR OLD PROGRAM FUND (Fund 1553)	
Bright Stars Program	\$1,215,991
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND appropriations for fiscal year ending June 30, 2009:	\$1,215,991
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$794,092
Revenue from Local Sources (Transfer from School Fund)	\$93,518
Revenue from the Commonwealth	\$270,936
Revenue from Fund Balance	\$57,445
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND resources available for fiscal year ending June 30, 2009:	\$1,215,991

Paragraph Three: TOWE MEMORIAL PARK FUND (Fund 4200)

Darden Towe Memorial Park	<u>\$236,506</u>
Total TOWE MEMORIAL PARK FUND appropriations for fiscal year ending June 30, 2009:	\$236,506
To be provided as follows:	
Revenue from Local Sources (Transfer from the General Fund)	<u>\$151,682</u>
Revenue from Other Local Sources	<u>\$84,824</u>
Total TOWE MEMORIAL PARK FUND resources available for fiscal year ending June 30, 2009:	\$236,506

Paragraph Four: MJ HEALTH GRANT (Fund 1563)

MJ Health Grant	<u>\$5,000</u>
TOTAL MJ HEALTH GRANT appropriations for fiscal year ending June 30, 2009:	\$5,000
To be provided as follows:	
Revenue From Local Sources	<u>\$5,000</u>
Total MJ HEALTH GRANT resources available for fiscal year ending June 30, 2009:	\$5,000

Paragraph Five: VISITOR CENTER FUND (Fund 9800)

Repair and Maintenance	<u>\$62,090</u>
TOTAL VISITOR CENTER FUND appropriations for fiscal year ending June 30, 2009:	\$62,090
To be provided as follows:	
Revenue from Local Sources	<u>\$62,090</u>
Total VISITOR CENTER FUND resources available for fiscal year ending June 30, 2009:	\$62,090

Paragraph Six: COURTHOUSE MAINTENANCE FUND (Fund 9150)

Transfer to General Government Capital Improvements Fund	\$32,782
TOTAL COURTHOUSE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2009:	\$32,782
To be provided as follows:	
Revenue from Local Sources	<u>\$32,782</u>
Total COURTHOUSE MAINTENANCE FUND resources available for fiscal year ending June 30, 2009:	\$32,782

Paragraph Seven: TOURISM FUND (Fund 1810)

Tourism Enhancement (Transfer to General Fund)	\$653,736
Tourism Projects (Transfer to General Government Capital Improvements Fund)	<u>\$486,264</u>
Total TOURISM FUND appropriations for fiscal year ending June 30, 2009:	\$1,140,000
To be provided as follows:	
Revenue from Local Sources	<u>\$1,140,000</u>
Total TOURISM FUND resources available for fiscal year ending June 30, 2009:	\$1,140,000

Paragraph Eight: CRIMINAL JUSTICE PROGRAMS FUND (Fund 1520)

Criminal Justice Grant Programs	<u>\$720,698</u>
Total CRIMINAL JUSTICE PROGRAMS FUND appropriations for fiscal year ending June 30, 2009:	\$720,698

To be provided as follows:

Revenue from the Commonwealth (Grant)	<u>\$720,698</u>
Total CRIMINAL JUSTICE PROGRAMS FUND resources available for fiscal year ending June 30, 2009:	\$720,698

Paragraph Nine: VICTIM-WITNESS GRANT FUND (Fund 1225)

Victim-Witness Program	<u>\$101,128</u>
Total VICTIM-WITNESS GRANT FUND appropriations for fiscal year ending June 30, 2009:	\$101,128

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$76,221
Revenue from the Commonwealth (Grant)	<u>\$24,907</u>
Total VICTIM-WITNESS GRANT FUND resources available for fiscal year ending June 30, 2009:	\$101,128

Paragraph Ten: METRO PLANNING GRANT FUND (Fund 1208)

Metropolitan Planning Organization Funding	<u>\$14,500</u>
Total METRO PLANNING GRANT FUND appropriations for fiscal year ending June 30, 2009:	\$14,500

To be provided as follows:

Revenue from the Federal Government (Grant)	\$11,600
Revenue from the Commonwealth (Grant)	\$1,450
Local Funds (Transfer from the General Fund)	<u>\$1,450</u>
Total METRO PLANNING GRANT FUND resources available for fiscal year ending June 30, 2009:	\$14,500

Paragraph Eleven: HOUSING ASSISTANCE FUND (Fund 1227)

Family Self-Sufficiency Program (Transfer to General Fund)	\$323,000
Section 8 Housing Assistance Payments	<u>\$2,482,867</u>
Total HOUSING ASSISTANCE FUND appropriations for fiscal year ending June 30, 2009:	\$2,805,867

To be provided as follows:

Revenue from the Federal Government	<u>\$2,805,867</u>
Total HOUSING ASSISTANCE FUND resources available for fiscal year ending June 30, 2009:	\$2,805,867

Paragraph Twelve: VEHICLE REPLACEMENT FUND (Fund 9200)

Vehicle Replacement	<u>\$526,000</u>
Total VEHICLE REPLACEMENT FUND appropriations for fiscal year ending June 30, 2009:	\$526,000

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$384,495
Revenue from Other Local Sources	\$25,000
Revenue from Fund Balance	<u>\$116,505</u>
Total VEHICLE REPLACEMENT FUND resources available for fiscal year ending June 30, 2009:	\$526,000

GRAND TOTAL - SPECIAL REVENUE FUNDS	<u><u>\$14,169,284</u></u>
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SECTION V - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND (Fund 9010)

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2009:

Paragraph One: ADMINISTRATION

Voting Machine Replacement \$106,000

Paragraph Two: COURTS

Court Square Maintenance/Replacement Projects \$100,000
J&D Court Maintenance/Replacement Projects \$15,000
\$115,000

Paragraph Three: PUBLIC SAFETY

Pantops Fire Station \$124,000
Ivy Fire Station \$567,000
VFD Fire & EMS Apparatus Replacement \$1,016,000
Crozet Ladder Truck \$1,138,000
Fire/Rescue Mobile Data Computers \$200,000
Public Safety Training Facility \$1,051,000
Emergency Radio Notification System \$171,000
\$4,267,000

Paragraph Four: PUBLIC WORKS

County Facilities - Maintenance/Replacement \$610,000
Recycling Centers \$263,000
Ivy Landfill Remediation \$914,000
Crozet Streetscapes Phase II \$1,920,000
Storage Facility Lease \$70,000
\$3,777,000

Paragraph Five: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Neighborhood Implementation Plan Program \$550,000
Revenue Sharing Road Program \$1,000,000
Sidewalk Construction Program \$422,000
Transportation Improvement Program - Local \$2,125,000
Transportation Improvement Program - Regional \$100,000
Roadway Landscaping Program \$220,000
Streetlamp Program \$49,000
\$4,466,000

Paragraph Six: HUMAN DEVELOPMENT

PVCC Roundabout \$43,000

Paragraph Seven: PARKS, RECREATION & CULTURE

County Athletic Field Development \$42,000
Paramount Theater \$33,000
Greenway Program \$50,000
River and Lake Access Improvements \$35,000
Park Enhancements \$100,000
Parks - Maintenance/Replacement \$189,000
\$449,000

Paragraph Eighth: LIBRARIES

Central Library Maintenance/Replacement \$91,000
Gordon Avenue Library Improvements \$148,000
\$239,000

Paragraph Nine: TECHNOLOGY AND GIS

County Server/Infrastructure Upgrade \$360,000
\$360,000

Paragraph Ten: ACQUISITION OF CONSERVATION EASEMENTS

Acquisition of Conservation Easements (ACE) Program \$1,614,000

Paragraph Eleven: CAPITAL RESERVE

Capital Reserve \$140,476

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2009: \$15,576,476

To be provided as follows:

Revenue from Local Sources (Tourism Fund Transfer) \$486,264
Revenue from Local Sources (General Fund Transfer) \$8,427,962
Other Local Sources (including Proffers) \$1,106,250
State Revenues \$300,000
Loan Proceeds \$4,256,000
Use of Fund Balance \$1,000,000

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2009: \$15,576,476

SECTION VI: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND (Fund 9000)

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Support Services Complex \$645,000
Administrative Technology \$175,000
Instructional Technology \$550,000
Maintenance/Replacement Projects \$4,451,000
State Technology Grant \$700,000
Gymnasium HVAC and Lighting Replacement \$100,000
Greer Elementary School Renovations \$5,140,000
Albemarle High School Addition/Renovation \$10,316,000
Brownsville Elementary Addition \$9,415,000
Crozet Elementary Addition \$45,000
Vehicle Maintenance Facility Addition \$1,150,000
Storage Facility Lease \$180,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2009: \$32,867,000

To be provided as follows:

Revenue from Local Sources (General Fund Transfer) \$1,000,000
Proffers \$100,000
Interest Earned \$100,000
State Construction Funds \$200,000
State Technology Grant \$700,000
VPSA Bonds \$30,767,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2009: \$32,867,000

SECTION VII: STORM WATER CAPITAL IMPROVEMENTS FUND (Fund 9100)

That the following sums of money be and the same hereby are appropriated from the STORM WATER CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: STORM WATER PROJECTS

Storm Water Control Program \$800,000

Total STORM WATER CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2009: \$800,000

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund) \$800,000

SECTION VIII: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2009:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND (Fund 9900)

Debt Service Payments - School Division	\$12,913,103
Debt Service Payments - PREP	<u>\$224,609</u>

Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2009: \$13,137,712

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$12,913,103
Revenue from Local Sources (PREP Fees)	<u>\$224,609</u>

Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2009: \$13,137,712

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND (Fund 9910)

Emergency Services Radio System Lease/Debt Service Payment	\$826,556
Debt Service Payments - General Government	\$1,377,266
Bond Issuance Cost	\$10,000

Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2009: \$2,213,822

To be provided as follows:

Revenue from Local Sources	\$283,178
Revenue from Local Sources (Transfer from General Fund)	<u>\$1,930,644</u>

Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2009: \$2,213,822

GRAND TOTAL - DEBT SERVICE FUNDS	<u><u>\$15,351,534</u></u>
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**TOTAL APPROPRIATIONS MENTIONED IN
SECTIONS I - VIII OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2009**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$224,391,325
Section II	School Fund	\$151,295,942
Section III	Other School Funds	\$16,525,489
Section IV	Other Special Revenue Funds	\$14,169,284
Section V	General Government Capital Improvements Fund	\$15,576,476
Section VI	School Division Capital Improvements Fund	\$32,867,000
Section VII	Storm Water Capital Improvements Fund	\$800,000
Section VIII	Debt Service	<u>\$15,351,534</u>
		\$470,977,050

Less Inter-Fund Transfers

General Fund to School Fund	(\$101,657,425)
General Fund to Special Revenue Funds	(\$3,986,430)
General Fund to Capital Improvements Funds	(\$10,227,962)
General Fund to Debt Service Funds	(\$14,843,747)
Special Revenue Funds to General Fund	(\$976,736)
Special Revenue Funds to Capital Improvements Funds	(\$519,046)
School Fund to Self-Sustaining Funds	(\$3,113,606)
School Fund to Special Revenue Funds	(\$1,133,518)
School Fund to General Fund	(\$402,895)
Self-Sustaining Funds to School Fund	(\$400,000)
	<u>(\$137,261,365)</u>

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS	<u><u>\$333,715,685</u></u>
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SECTION IX: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2009:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center \$4,919,609

Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2009: \$4,919,609

To be provided as follows:

Revenue from Local Sources \$4,366,463
Revenue from the Commonwealth \$540,000
Revenue from the Federal Government \$13,146

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2009: \$4,919,609

BE IT FURTHER RESOLVED THAT the Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, the appropriations made to these funds for the period covered by this appropriation resolution.

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through VIII are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance (Richard Wiggins) and Clerk to the Board of Supervisors (Ella W. Jordan) are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for good, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the County Executive.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Seven

This resolution shall become effective on July first, two thousand and eight.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the “Borrower”), intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$53,070,424.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
BONDED PROJECTS
FY 2008/09**

Schools	Amount
1. School Maintenance Projects	\$3,956,000
2. Support Services Complex	\$645,000
3. Gymnasium HVAC & Lighting Replacement	\$100,000
4. Greer Elementary School Addition/Renovations	\$5,140,000
5. Albemarle High School Addition/Renovations	\$10,316,000
6. Brownsville Elementary School Addition/Renovations	\$9,415,000
7. Crozet Elementary School Improvements	\$45,000
8. Vehicle Maintenance Facility Addition	\$1,150,000
Schools Subtotal	\$30,767,000
General Fund	Amount
1. Pantops Fire Station Equipment	\$124,000
2. Ivy Fire Station Apparatus	\$567,000
3. Fire Rescue Apparatus	\$1,016,000
4. Crozet Ladder Truck	\$1,138,000
5. Public Safety Training Facility	\$1,051,000
6. County IT Infrastructure/Server Upgrade	\$360,000
General Fund Subtotal	\$4,256,000
TOTAL DEBT ISSUE – FY 2008/09 PROJECTS	\$35,023,000

REAFFIRMATION OF PREVIOUSLY BONDED PROJECTS

General Fund	Amount
1. Juvenile & Domestic Relations Court Renovations	\$4,000,000
2. Hollymead Fire Station	\$5,841,218
3. Pantops Fire Station	\$2,611,000
4. Ivy Fire Station	\$1,634,000
5. Fire Rescue Apparatus	\$1,328,000
6. Public Safety Training Facility	\$788,206
7. Crozet Library	\$1,500,000
8. County IT Infrastructure/Server Upgrade	\$345,000
General Fund Subtotal	\$18,047,424
TOTAL DEBT ISSUE – ALL PROJECTS	\$53,070,424

**County of Albemarle
Crozet Library Steering Committee
Charge Statement, Membership and Organization**

Steering Committee Charge

The Crozet Library Steering Committee is an advisory committee charged with a) providing direction and advice on a public/stakeholder engagement process; b) providing oversight and direction to the project's design team; c) considering and balancing the concerns/issues of the affected stakeholders and building public consensus for committee recommendations; d) reviewing alternative designs; e) to actively consider the cost aspects of the projects; and f) making a recommendation to the Board of Supervisors on a final preferred program and concept plan. The preferred program and plan should be based on the Board's Vision to develop a new and expanded public library in downtown Crozet as a critical priority to provide a focal point for community activity and to help catalyze expanded opportunities for new and existing downtown businesses.

The Steering Committee shall work directly with the County's project design team including consultants and staff. Its work shall be coordinated with the County's efforts to promote a vibrant business and community center in downtown Crozet.

The Steering Committee's recommendation shall include at a minimum:

- A program description for the Library.
- The Library's layout, including the type, size and location of uses and activities.
- How the plan fulfills the County's vision and adheres to the guiding principles for the Library.
- The estimated costs for both building and operating the facility.
- An architectural concept of the preferred plan for the facility.

The Steering Committee will conclude its work at the end of the Schematic Design phase and make a final recommendation to the Board of Supervisors no later than October 30, 2008. The Committee shall provide periodic updates to the Board on the progress of their work.

Membership Selection Process

The Crozet Library Steering Committee shall consist of approximately twelve (12) voting members appointed by the Board of Supervisors. Appointments will be based on staff recommendations and nominations from community and business groups. The committee may appoint up to three additional voting members.

Membership Selection Criteria

The Crozet Library Steering Committee will be composed, at a minimum, of the following representatives:

- Two members of the Board of Supervisors
- The County's Director of Facilities Development (Chair)
- The County's Executive Office
- The Regional Library Director
- The Crozet Library's Branch Manager
- One Library Board member
- One member of the Crozet Community Advisory Council
- One member of the Crozet Community Association
- One member of the Crozet Downtown Association
- One member of the Planning Commission
- One member of the Crozet Library Fund Raising Committee

- One member of the Crozet area PTO

The Board of Supervisors will appoint members based on their qualifications and interest in serving on the Committee. An individual may be appointed to represent more than one of the above referenced groups. The Board will strive to appoint an overall membership that is diverse in age, abilities, experiences, professions, interests, etc.

Member qualifications include:

- Experience working within a consensus-driven decision-making process, and a commitment to such a process in fulfilling the Committee's responsibilities as outlined in the charge statement;
- Willingness to work within established County procedures and processes;
- Ability to be open-minded; to listen and be respectful of the values, views and opinions of other representatives;
- Ability to share information with, and receive information from the community at large;
- Ability to meet once a month and possibly more often over the next year; and
- Being a resident of Albemarle County

Steering Committee Organization

The Board of Supervisors shall designate the Committee Chair. The consultant design team and other County staff shall serve as technical representatives and shall be responsible for assembling and compiling all information and reports necessary for the Committee's work to progress, including meeting notes.

Meetings will be held approximately once a month. The date and time of Committee meetings shall be established at the first meeting; additional meetings may be called by the Chair. All meetings will be open work sessions, where the general public is invited to attend to listen and observe, unless participation is deemed appropriate by the Chair. Active participation will be extended to the general public at open houses, workshops and public hearings. In addition to the Steering Committee, the project will include a comprehensive public engagement program for the public at large to include active participation at open houses, workshops, public hearings, and other appropriate venues.

No quorum shall be necessary to conduct business, but no vote will be taken unless a quorum is present. A majority of the voting members of the Committee shall constitute a quorum. Decisions shall be made, if possible, by an indication of general consensus among the Committee members present. Staff (other than appointed members) will not participate as decision makers. When this method does not serve to establish a clear direction, the chair shall call for a roll-call vote. When an agreement cannot be achieved on an issue, business shall proceed and County staff shall document and present minority positions for future Board of Supervisors consideration.

Facilitation will be provided in those instances when it is considered beneficial in helping the Committee achieve its stated purposes.

(Adopted May 7, 2008)

RESOLUTION OF INTENT

WHEREAS, dog custodians and dog owners have a responsibility to not only their dogs to assure that they are properly cared for, but also to their neighbors to assure that their dogs do not become a nuisance to the neighborhood as a result of excessive barking, odors, and other problems; and

WHEREAS, the Zoning Ordinance allows the keeping of dogs in commercial kennels and animal shelters by special use permit in several commercial and industrial zoning districts (commercial kennels are also allowed in the Rural Areas zoning district), and the special use permits include conditions that regulate the operation of the kennel or shelter in order to address the impacts resulting from the use; and

WHEREAS, the Zoning Ordinance does not regulate the keeping of dogs as pets in the residential or the Rural Areas zoning districts, provided that the number of dogs kept are subordinate and customarily incidental to the primary residential use so that the use may be allowed as an accessory use; and

WHEREAS, the intensity of an accessory use such as the keeping of dogs on residentially-zoned lots or on lots five (5) acres or less in size in the Rural Areas zoning district may exceed a threshold where the number of dogs is no longer subordinate and customarily incidental to the primary residential use, and, as the intensity of the use increases, the potential for adverse impacts to neighbors may increase; and

WHEREAS, in order to facilitate the creation of a convenient, attractive and harmonious community, it is desired to amend the Zoning Ordinance to establish the maximum number of adult dogs that will be allowed as accessory to a primary residential use.

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 Zoning Ordinance §§ 3.1, 10, 13, 14, 15, 16, 17, 18, 19, 20 and 20A and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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.

CONDITIONS OF APPROVAL ON PLANNING ITEMS

PROJECT: SP-2007-064. Camp Watermarks (Sign #29).

1. The improvements, and the scale and location of the improvements authorized by Special Use Permit 2007-64 Camp Watermarks, shall be in general accord with the concept application plan dated February 15, 2008, prepared by Angela and Travis Critzer, and titled "Watermarks Christian Ministries Camp" (Attachment A). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. Compliance with the Virginia Statewide Fire Prevention Code shall be verified by the Fire Marshall prior to issuance of a zoning compliance clearance;
3. Amendment of the building permit for a storage building (permit # 2007-2448 NNR), as shown on the concept application plan (Attachment A), shall be required to allow overnight occupancy of staff, as well as other camp uses;
4. Prior to issuance of the zoning compliance clearance, compliance with the Virginia State Department of Health (VDH) regarding minimum septic requirements shall be required. The VDH shall re-review the status of septic standards within one year of the date of the approval of the special use permit. At that time, and if necessary, systems shall be upgraded or enrolment reduced based on VDH recommendations;
5. Prior to issuance of the zoning compliance clearance, compliance with the Virginia State Department of Health regarding kitchen and food service approvals shall be verified;
6. Total number of staff (in addition to the applicant and their family) on site at one time shall be limited to twenty (20);
7. Camp sessions shall be limited to a maximum of sixteen (16), each one (1) week long, overnight sessions per year;
8. The maximum number of children per session shall be limited to seventy five (75);
9. The maximum number of bus or van trips (round trips) to and from the camp, each week long session shall be six (6). Bus or van trips shall be the primary means of transportation for the children;
10. Five food deliveries by truck shall be permitted per week long session;
11. Camp activities are permitted on Tax Map 136, Parcels 6B, 9, 9A2, 9D, 9D1, 9E;
12. Outdoor amplified sounds or bull horns shall be prohibited;
13. Compliance with the Virginia State Department of Health regarding water supply shall be verified by the Health Department prior to issuance of a zoning compliance clearing and the commencement of the special use. The VDH shall re-review the status of water standards within one year of the date of the approval of the special use permit. At that time, and if necessary, systems shall be upgraded or enrolment reduced based on VDH recommendations; and
14. This special use permit does not include approval for additional lighting subject to Chapter 18, Section 4.17 of the Zoning Ordinance.

PROJECT: SP-2007-065. Herring Property - Verizon Wireless PSWF (Signs #30&72).

1. Prior to issuance of a building permit, the applicant shall submit a tree conservation plan prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to assure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, and identify all existing trees to be removed on the parcel for the installation, operation and maintenance of the facility. Except for the tree removal expressly authorized by the agent, the applicant shall not remove existing trees within the lease area or within one hundred (100) feet in all directions surrounding the lease area of any part of the facility. In addition, the agent may identify additional trees or lands up to two hundred (200) feet from the lease area to be included in the plan;
2. The installation, operation and maintenance of the facility shall be conducted in accordance with the tree conservation plan. Dead and dying trees identified by the arborist's report may be removed if so noted on the tree conservation plan. If tree removal is later requested that was not approved by the agent when the tree conservation plan was approved, the applicant shall submit an amended plan. The agent may approve the amended plan if the proposed tree removal will not adversely affect the

visibility of the facility from any location off of the parcel. The agent may impose reasonable conditions to assure that the purposes of this paragraph are achieved;

3. All work shall be done in general accord with what is described in the applicant's request and site construction plans, entitled "Afton, Herring Property", with a final zoning drawing submittal date of 2/27/2008;
4. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely that tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent;
5. The owner of the facility shall submit a report to the agent by no earlier than May or and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report; and
6. The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.

Original Proffers
Amendment _____

PROFFER STATEMENT

ZMA No. ZMA-2007-00025

Tax Map and Parcel Number(s): **07000-00-00-03900**

Owner(s) of Record: **Wavertree Hall LLC**

Date of Proffer Signature: March 26, 2008

145.33 acres to be rezoned from **PRD Planned Unit Development** to **RA Rural Areas**

Wavertree Hall LLC is the owner (the "Owner") of Tax Map and Parcel Number **07000-00-00-03900** (the "Property") which is the subject of rezoning application ZMA No. **ZMA 2007-00025**, a project known as "**Wavertree Hall**" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. There shall be no more than four single-family dwellings on the property. Other structures permitted by right in the Rural Areas zoning district, and structures that are accessory to a permitted use in the Rural Areas zoning district, are also permitted on the property. The property may be subdivided or partitioned into not more than two parcels.

2. The property subject to this rezoning shall remain as "common area" for the benefit and use of the residents of Wavertree Hall Subdivision. The amenities, as they may exist within the subject property, shall also remain and be maintained so that they are available for use by the residents of Wavertree Hall Subdivision. These amenities consist of a twenty (20) foot walkway easement and a bark mulch path within a ten (10) foot walkway easement, both as shown on the "Physical Survey Showing 145.33 Acres of Land-A Portion of Wavertree Hall Farm," prepared by Wm. Morris Foster, dated June 5, 1987, recorded in Deed Book 950, pages 185 and 186, a copy of which is attached hereto for reference. These matters are subject to termination or amendment pursuant to the terms of 7.06 of the Wavertree Hall Farm Declaration of Restrictions Covenants and Conditions Imposed By Christian Retreats, Inc. recorded in Deed Book 667, beginning at page 101.

OWNER
Wavertree Hall, LLC

 (Signed) Joseph R. Gladden
By: **Joseph R. Gladden, Jr.**
Title: **Member-Manager**

ORDINANCE NO. 08-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS, 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 18, Zoning, Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 11.3.1 By right uses

Chapter 18. Zoning

Article 3. District Regulations

Sec. 11.3.1 By right uses

The following uses shall be permitted by right in the MHD:

1. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
 - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
 - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
 - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
 - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
 - e. Other uses not expressly delineated in subsection 1(a) through (d) authorized by the zoning administrator after consultation with the director of planning and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.
2. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, and commemorative events similar to the Lewis and Clark bicentennial.
3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products, including wayside stands for display and sale of agricultural products produced on the premises (reference 5.1.19).
4. Establishment and changes to structures shown on the approved application plan:

- a. Modification, improvement, expansion, or demolition of “modern structures” existing on the effective date of this section 11.
 - b. Modification, improvement, re-creation, or restoration (including expansion) of “historic or interpretive structures.”
 - c. Establishment of “new primary structures or features” identified as such on the approved application plan.
5. Cemeteries.
 6. Detached single-family dwellings, including guest cottages and rental of the same.
 7. Side-by-side duplexes; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
 8. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
 9. Game preserves, wildlife sanctuaries and fishery uses.
 10. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable laws.
 11. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
 12. Temporary construction uses (reference 5.1.18).
 13. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).
 14. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
 15. Agricultural service occupation (subject to performance standards in 4.14).
 16. Divisions of land in accordance with section 10.3.
 17. Tourist lodging (reference 5.1.17).
 18. Mobile homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a mobile home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The zoning administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine

necessary in making a determination of cases “a” and “b” of the aforementioned uses.

19. Farm winery (reference 5.1.25).
20. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
21. Commercial stable (reference 5.1.03).
22. Stormwater management facilities shown on an approved final site plan or subdivision plat.
23. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
24. Monticello scholar residences, which shall be private lodging accommodations in multiple-family dwellings for educators, academic fellows or scholars working on Jefferson related research and/or programs, Montalto program participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker, provided that not more than three dwelling units shall be occupied at any one time by persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site except during the semi-annual meetings of the owner’s governing board.

Original Proffer: X
Amendment:

**Proffer Statement
Montalto**

Date: April 21, 2008
ZMA #: ZMA 2007-00023 Montalto
Tax Map and Parcel Numbers: 07700-00-00-03100, 07700-00-00-031B0,
& 07800-00-00-025A0

329.68 acres to be rezoned from RA (Rural Areas)
to MHD (Monticello Historic District)

TJF Realty, LLC, a Virginia limited liability company, is the fee simple owner (the "Owner") of tax map parcels 07700-00-00-03100, 07700-00-00-031B0, and 07800-00-00-025A0 (collectively, the "Property"), which is the subject of zoning map amendment application number ZMA 2007-00023 known as "Montalto."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this proffer statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is acknowledged that the conditions are reasonable.

This Proffer Statement shall relate to the two-page application plan entitled "Application Plan - Montalto Zoning Map Amendment," prepared by Draper Aden Associates, dated March 27, 2008 (the "Application Plan").

- 1. All outdoor lighting shall be arranged or shielded to reflect light away from the abutting properties.
- 2. Vehicular access to the Property shall be controlled during peak events that require off-site parking.

WITNESS the following signature:

TJF Realty, LLC

By: Thomas Jefferson Foundation, Inc., sole member

By: (Signed) Daniel P. Jordan
Daniel P. Jordan, President

ORDINANCE NO. 08-17(2)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article III, Stormwater Management and Water Quality, is amended and reordained as follows:

By Amending:

- Sec. 17-320 Types of development authorized in stream buffer
- Sec. 17-321 Types of development which may be allowed in stream buffer by program authority
- Sec. 17-322 Mitigation plans

Chapter 17. Water Protection

Article III. Stormwater Management and Water Quality

Sec. 17-320 Types of development authorized in stream buffer.

If otherwise authorized by the applicable regulations of the zoning ordinance, the following types of development shall be allowed in a stream buffer, provided that the requirements of this section are satisfied:

A. A building or structure which existed on the date of adoption of this chapter may continue at such location. However, nothing in this section authorizes the continuance, repair, replacement, expansion or enlargement of such building or structure except as provided in sections 6 and 30.3 of the zoning ordinance.

B. On-site or regional stormwater management facilities and temporary erosion and sediment control measures, provided that:

1. To the extent practical, as determined by the program authority, the location of such facilities shall be outside of the stream buffer;

2. No more land shall be disturbed than is necessary to provide for construction and maintenance of the facility, as determined by the program authority;

3. The facilities are designed and constructed so as to minimize impacts to the functional value of the stream buffer and to protect water quality; and

4. Facilities located within a flood plain adhere to flood plain regulations of the county and are designed and located, to the extent practical, to maintain their water quantity and/or water quality control value, according the standards of this article, during flood conditions.

C. Water-dependent facilities; water wells; passive recreation access, such as pedestrian trails and bicycle paths; historic preservation; archaeological activities; provided that all applicable federal, state and local permits are obtained.

D. Stream crossings of perennial and intermittent streams for roads, streets or driveways, provided the following requirements are addressed to the satisfaction of the program authority:

1. Bridges and culverts shall satisfy the following:

a. For crossings of perennial streams, bridges, arch culverts, or box culverts shall be used for the stream crossing and sized to pass the ten (10) year storm without backing water onto upstream properties. Bridges or culverts shall either leave the stream section, consisting of the stream bed

and the stream bank, undisturbed or shall allow the stream to return to a natural stabilized cross-section upon completion of installation. The lowest interior elevation of the culvert (the culvert invert) shall be a minimum of six (6) inches below the stream bed. Culvert walls and bridge columns should be located outside the stream banks wherever possible;

b. For crossings of intermittent streams, bridges or culverts shall be used for the stream crossing and sized to pass the ten (10) year storm without backing water onto upstream properties;

2. Stream stabilization and energy dissipation measures below each bridge or culvert shall satisfy the standards for stream bank stabilization and outlet control provided in the county's design standards manual;

3. The stream buffer disturbance shall be the minimum necessary for the lot(s) to be used and developed as permitted in the underlying zoning district and under the applicable regulations of the subdivision ordinance. Stream crossings shall not disturb more than thirty (30) linear feet of stream for driveways and sixty (60) linear feet for roads or streets, provided that the program authority may allow additional length of stream disturbance where fill slopes or special conditions necessitate additional length;

4. The stream bed and stream banks shall be stabilized within seven (7) days from the start of backfilling for the bridge or culvert;

5. For stream crossings where any portion of the pre-construction stream buffer is not fully vegetated as determined by the program authority, and for any portion of a vegetated stream buffer that is disturbed during the installation of the stream crossing, buffer vegetation shall be established and maintained within the stream buffer but outside of the stream crossing at a ratio of two (2) square feet of stream buffer restored for every one (1) square foot of stream buffer that was either not fully vegetated or is disturbed during the installation of the stream crossing. Buffer vegetation shall be established and maintained at the 2:1 ratio to the extent that the stream buffer is fully vegetated outside of the stream crossing, provided that the owner shall not be required to establish vegetation outside of the stream buffer in order to satisfy the 2:1 ratio. The program authority may require that the owner enter into an agreement providing for the ongoing maintenance of the plantings in the stream buffer, and may require a bond with surety or other acceptable instrument, which agreement and bond with surety or other acceptable instrument shall be of a substance and in a form approved by the program authority and the county attorney. Stream buffer plantings shall be consistent with guidance supplied by the program authority;

6. In order to assure that the encroachment into or across the stream buffer is minimized, on and after May 7, 2008, it shall be presumed that one stream crossing is adequate to serve the owner's lot(s) existing on that date and all lots created therefrom on and after that date. The program authority shall allow only one stream crossing to serve all lots, provided that it may allow additional crossings under section 17-321(4);

7. The owner shall provide the program authority with copies of approved federal and state permits associated with the stream crossing, if applicable.

(§ 19.3-44, 2-11-98; § 19.2-7, 6-19-91, § 7; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-7, 19.2-8, 19.3-44; Ord. 98-A(1), 8-5-98; Ord. 08-17(2), 5-7-08)

State law reference--Va. Code § 10.1-2108.

Sec. 17-321 Types of development which may be allowed in stream buffer by program authority.

Development in a stream buffer may be authorized by the program authority in the circumstances described below, provided that a mitigation plan is submitted to, and approved, by the program authority pursuant to section 17-322:

1. on a lot which is located within a development area but is not within a water supply protection area: within the fifty (50) horizontal feet of stream buffer that is the most landward (furthest from the stream);

2. on a lot which is located within a water supply protection area or other rural land: within the fifty (50) horizontal feet of stream buffer that is the most landward, but only for stormwater conveyance channels or other necessary infrastructure, and only if such development is determined by the program authority to be necessary to allow a reasonable use of the lot. In all cases under this paragraph, the building site and the sewage disposal system shall be located outside of the stream buffer;

3. on a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project;

4. on a lot on which the development in the stream buffer will consist of the construction and maintenance of a road, street or driveway that would not satisfy the requirements of section 17-320(D) and the program authority determines that the stream buffer would prohibit access to the lot necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of the subdivision ordinance, or to establish more than one stream crossing;

5. on a lot which was of record prior to the date of adoption of this chapter, on which the development in the stream buffer will consist of the construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the program authority determines that the stream buffer would prohibit the practicable development of such facilities or systems. Any such sewage disposal system must comply with all applicable state laws; and

6. on a lot which was of record prior to the date of adoption of this chapter, if the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or to allow redevelopment as permitted in the underlying zoning district.

(§ 19.3-45, 2-11-98; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-45; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08; Ord. 08-17(2), 5-7-08)

State law reference--Va. Code § 10.1-2108.

Sec. 17-322 Mitigation plan if development allowed in stream buffer.

Each owner who seeks to develop in a stream buffer pursuant to section 17-321 shall submit to the program authority for review and approval a mitigation plan as provided herein:

A. The owner shall submit a mitigation plan that satisfies the applicable requirements of this section, the fee required by section 17-310, and a certification stating that all requirements of the approved plan will be complied with. If the mitigation plan pertains to a road, street or driveway encroaching into or crossing a stream buffer, it shall be submitted with and reviewed by the program authority in coordination with the preliminary site plan or preliminary subdivision plat, if such a plan or plat is submitted or, if not, in coordination with the final site plan or final subdivision plat, or building permit.

B. The mitigation plan shall be reviewed by the program authority to determine whether it complies with the requirements of this section and all other requirements of this article. The program authority shall approve or disapprove a mitigation plan within thirty (30) days that a complete plan was accepted for review. The decision shall be in writing and shall be communicated to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.

C. Each mitigation plan shall:

1. identify the impacts of proposed development on water quality and lands within the stream buffer;

2. ensure that, where development takes place within a stream buffer: (i) the proposed development shall be located on those portions of a site and in a manner that will be least disruptive to the natural functions of the stream buffer; (ii) no more land shall be disturbed than is necessary to allow a development that is permitted in the underlying zoning district under the applicable regulations of the subdivision ordinance; (iii) indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the proposed development; and (iv) the impervious cover shall be minimized consistent with

the proposed development;

3. demonstrate and assure that development will be conducted using best management practices; where best management practices require regular or periodic maintenance in order to continue their functions, the program authority may require that the owner enter into an agreement providing for the ongoing maintenance of the plantings in the stream buffer, and may require a bond with surety or other acceptable instrument, which agreement and bond with surety or other acceptable instrument shall be of a substance and in a form approved by the program authority and the county attorney;

4. specify mitigation which will address water quality and stream buffer impacts;

5. contain all other information requested by the program authority; and

6. where an owner seeks to establish more than one stream crossing as provided in section 17-320(D)(6), demonstrate that the environmental impacts from the entire road, street or driveway necessitated by a single stream crossing would be greater than the environmental impacts caused by an additional crossing and its associated road, street or driveway. For the purposes of this subsection, the environmental impacts considered by the program authority include, but are not limited to, impacts to soil, soil erosion, stormwater quantity, water quality, loss of vegetated stream buffer, impacts to stream beds and stream banks, the creation of impervious surfaces, and the disturbance of slopes of twenty-five (25) percent or greater.

D. Each mitigation plan shall be evaluated by the program authority based on the following criteria:

1. whether all reasonable alternatives to development in the stream buffer have been explored and exhausted;

2. whether the development in the stream buffer is the minimum necessary and is conducted in a manner that will be least disruptive to the natural functions of the stream buffer;

3. whether best management practices will effectively mitigate adverse impacts from the encroachment on the stream buffer and its natural functions;

4. whether the design and construction of the development will satisfy the criteria in subsections 17-322(C)(2) and (C)(3); and

5. for driveways, roads and streets, whether their alignment and design are optimized, consistent with all other applicable requirements, to minimize encroachment in the stream buffer and adverse effects on water quality.

(§ 19.3-46, 2-11-98; § 19.2-8, 6-19-91, § 8; § 19.1-13, 6-19-91, § 13; Code 1988, §§ 19.1-13, 19.2-8, 19.3-46; Ord. 98-A(1), 8-5-98; Ord. 08-17(2), 5-7-08)

State law reference--Va. Code § 10.1-2108.