

ACTIONS
Board of Supervisors Meeting of July 2, 2008

July 3, 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 9:01 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan and Meagan Hoy. 	
<p>4. Recognitions:</p> <ul style="list-style-type: none"> Chairman recognized Pepsi-Cola Bottling Company of Central Virginia in celebration of their 100 years of service and community involvement. Chairman recognized Madison Cummings for his service on the Commission on Children and Families; John Knapp for his service on the Fiscal Impact Advisory Committee; and members of the Mountain Overlay District Committee for their service - Jeff Werner, Jon Cannon, Mike Merriam, Pete Craddock, Joe Jones, Sherry Buttrick, Harry Levins, Fred Scott, Carleton Ray, Katie Kent, Reuben Clark, William Lassetter, and staff, Joan McDowell and Greg Kamptner. 	
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> Asked that information on recognitions be included in Board members packets. Mentioned a discussion from the February 6, 2008 Board meeting regarding charging a fee for staff time in determining development rights. Mr. Tucker responded that that is part of a set of fees coming forward to the Board. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> Initial meeting of the Crozet Library Task Force was held last night. She cannot attend the July 28th meeting and asked if another Board member could attend as an alternate. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Provided Board members with photographs of illegal signs from the Rio Road intersection to Schewel Furniture Store, and on Rio Road West. Discussed the proliferation of these illegal signs and the effect they have on the aesthetic quality and appearance of the County's Entrance Corridors. Mr. Graham said staff is aware of this issue and they are looking at alternatives. He hopes to report back to the Board soon. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reiterated the need to do something about the dangerous sight distance issue caused by the bushes on the corner of the intersection of Woodlands Road and Reas Ford Road. 	

<ul style="list-style-type: none"> Mentioned responses from a query she sent out about whether school buses should only pick up children at the State road entrance to subdivisions. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Reported on the meeting he, Mr. Tucker, and VDOT officials attended with the Forest Lakes Homeowners Association. Eight improvements for the intersection were proposed including the time line for getting the work done. Stated that four complimentary tickets are available for Board members to attend events associated with the African-American Cultural Arts Festival. Board members who plan to attend need to provide them with the names of the individuals for tickets. 	
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
<p>7.2 Resolution of the Industrial Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$30,000,000 revenue bonds for the purpose of St. Anne's-Belfield, Inc.</p> <ul style="list-style-type: none"> ADOPTED attached resolution. 	<p><u>Clerk:</u> Forward signed resolution to Dave Richardson, McGuireWoods. (Attachment 1)</p>
<p>7.3 Requested FY 2009 Appropriations.</p> <ul style="list-style-type: none"> APPROVED budget amendment in the amount of \$284,723.00 and FY 2009 Appropriations #2009001, #2009002, #2009003 and #2009004. 	<p><u>Clerk:</u> Forward signed appropriations to Finance and appropriate individuals.</p>
<p>7.4 Resolution to approve the County's participation in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2009.</p> <ul style="list-style-type: none"> ADOPTED attached resolution to participate in VDOT's Revenue Sharing Program for FY08-09 and allocate \$1,500,000 in funds from the CIP (as described in the Budget Impact section of the Executive Summary) for use in matching VDOT Revenue Sharing funding for the Meadow Creek Parkway project. 	<p><u>Clerk:</u> Forward signed resolution and letter to Juan Wade for further actions. (Attachment 2)</p>
<p>7.5 Resolution designating Byrom and Preddy Creek properties as public parks.</p> <ul style="list-style-type: none"> ADOPTED attached resolution formally designating Tax Map Parcels 6-16, 6-28D, 6-29 and 22-1 as park property to be used by the public for recreational purposes priority areas for pedestrian facility improvements as recommended by staff. 	<p><u>Clerk:</u> Forward signed resolution to Pat Mullaney. (Attachment 3)</p>
<p>7.6 Agreement between River Heights Associates, Z & S Development Corporation and the County to convey real estate located on Tax Map 45, Parcel 69 in fee simple and to convey an easement across Tax Map 45, Parcel 68D to satisfy Proffers 6, 7 and 8 of ZMA-89-23 and authorize County Executive to sign Agreement.</p> <ul style="list-style-type: none"> APPROVED agreement and AUTHORIZED County Executive to execute the Agreement on behalf of the County in the form approved by the County Attorney. 	<p><u>County Attorney's Office:</u> Provide Clerk with copy of fully executed agreement.</p>

<ul style="list-style-type: none"> • CONSENSUS that staff bring back for a public comment work session, information addressing the issues raised by the Board and the two options suggested by staff. 	
<p>13. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:21 p.m. the Board went into closed meeting to consider appointments to boards, committees, and commissions. 	
<p>14. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 2:00 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 Chelsea Henderson to the Commission on Children and Families as the youth representative, with said term to expire June 30, 2009. • APPOINTED Janette Martin to the Commission on Children and Families, with said term to expire June 30, 2011. • APPOINTED Terry Rephann to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2010. • APPOINTED Duane Zobrist to the Region Ten Community Services Board, with said term to expire June 30, 2011. • REAPPOINTED Morgan Butler and Jamie Spence to the Fiscal Impact Advisory Committee, with said terms to expire July 8, 2010. 	<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. Allan Sumpter updated the Board Members on issues in their districts:</p> <ul style="list-style-type: none"> • Regarding traffic engineering items, VDOT's resources have been devoted to the Route 29 and Ashwood Blvd. traffic study. Other items have been delayed as a result. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • At its meeting on July 1, 2008 on the safety study of Route 29 at Forest Lakes, VDOT received verbal approval to proceed with the reduction of the speed limit in that area from 55 mph to 45 mph. VDOT expects the signs to be installed before the Holiday weekend. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Guardrail request for Farber Road in the Samuel Miller District is behind, but will be worked on soon. • Mr. Sumpter advised that VDOT will look at the triangle at Bel Air Market, which might need to be cleaned up. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Sight distance issues due to brush at the intersection of Woodlands Road and Reas Ford Road are still being worked on due to a change in the property owner. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Replacement of the pipe on Route 601 is 	

<p>awaiting environmental approval.</p> <ul style="list-style-type: none"> • On the issue of illegal signs, VDoT would like to work with the County to draft a letter to the development community and local businesses to relay the concerns and issues. • Regarding Advance Mills Bridge, Mr. Sumpter said: <ul style="list-style-type: none"> • Public Hearing will be Tuesday July 8th at the Best Western in Ruckersville from 5 p.m. to 7 p.m. • After the public hearing, as long as the community is in agreement, VDoT would like the Board to adopt a resolution supporting the project. The Board will plan to adjourn from their regular night meeting on July 9th to July 23 at 6:30 p.m. to adopt the resolution. 	
<p>16b. Transportation Matters not Listed on Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • There is a drainage issue on Buck Road in Crozet, and she asked VDoT to follow up with Harold Gentry and report back. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Asked if VDoT had had the opportunity to follow up with Greg Krystyniak on Georgetown Road. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked about Dry Bridge, and was advised that they are waiting on special cut timbers. • Interstate 250 West has a lot of traffic, and it appears that the Farmington and Ednam Forest stoplights might be contributing to the slowing down of traffic there. Mr. Sumpter advised that the Farmington light is scheduled to have an upgrade. Presently, the signal is on a wire, and the camera is swaying, which causes issues with some of the vehicles that are there. • Asked about the status of the blinking light outside of White Gables. That project has been on hold due to other priority projects. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • In the road, on Hillsdale, there are 6 inch boring cuts on the pavement. He asked for VDoT to patch them. • Heading South on Route 29 and turning left onto Rio or Hydraulic, the light sequence is not good. Mr. Sumpter advised there is a detection issue there. • Traveling east on Rio to turn left onto Northfields Road and Old Brook Road, there is a turn arrow. He believes the timing sequence is off. • Asked about traffic calming options on a 25 mph road. Juan Wade advised that the County is working with the Carrsbrook neighborhood association to decide which improvements they want. 	<p><u>Clerk:</u> Forward comments to Allan Sumpter.</p>

<p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> Route 713 in Keene, between Quiet Entry Farm and Route 795, the road is rough and it might need some attention. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Thanked VDOT for the work they did on Route 29 and Forest Lakes. Asked that a copy of the report be e-mailed to the Board members. 	
<p>17. <u>Elections-Central Absentee Voter Precinct.</u></p> <ul style="list-style-type: none"> ADOPTED, by a vote of 6:0, the attached Ordinance No. 08-2(4). 	<p>Clerk: Forward copy of adopted ordinance to the Registrar's office and the County Attorney's office. (Attachment 6)</p>
<p>18. <u>ZMA-2006-008. Berkmar Business Park.</u></p> <ul style="list-style-type: none"> DEFERRED, by a vote of 6:0, ZMA-2006-008, Berkmar Business Park. 	<p>Clerk: Schedule on future agenda when ready to come back to Board.</p>
<p>19 <u>SP-2008-012. Embarq-Verizon Wireless-Tier III PWSF.</u></p> <ul style="list-style-type: none"> MOTION to APPROVE SP-2008-012, failed by a vote of 3:3 (Mallek, Rooker, Thomas). MOTION to RECONSIDER the previous motion on SP-2008-012, passed by a vote of 6:0. APPROVED, by a vote of 5:1 (Thomas), SP-2008-012, subject to the ten conditions, recommended and modified at the Board meeting. 	<p>Clerk: Set out conditions of approval. (Attachment 7)</p>
<p>20. From the Board: Committee Reports and Matters</p> <ul style="list-style-type: none"> The Board expressed its support of a bridge over the Rivanna River. <p>Non Agenda Item:</p> <ul style="list-style-type: none"> ADOPTED Resolution to set FY 2009 Compensation and Benefits for the County Executive. 	<p>Clerk: Forward to Human Resources</p>
<p>27 Adjourn.</p> <ul style="list-style-type: none"> The meeting was adjourned at 6:06 p.m. 	

ewj/mrh

- Attachment 1 – Resolution – IDA Proposed Financing for St. Anne’s – Belfield, Inc.
- Attachment 2 – Resolution – VDOT Revenue Sharing
- Attachment 3 – Resolution - Byrom and Preddy Creek Parks
- Attachment 4 – Memorandum of Understanding with the Albemarle County Sheriff
- Attachment 5 – Resolution – Deerwood Subdivision
- Attachment 6 – Ordinance No. 08-2(4) - Elections
- Attachment 7 – Conditions of Approval - SP-2008-012. Embarq-Verizon Wireless-Tier III PWSF

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

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (the "Authority"), has considered the application of St. Anne's - Belfield, Inc. (the "Borrower") requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$30,000,000 (the "Bonds") to assist the Borrower in (1) financing the acquisition, constructing and equipping of a new academic village for students in pre-school through 8th grade (the "Lower Campus"), located on Faulcomer Drive in Albemarle County, Virginia, (2) financing working capital and capitalized interest, (3) financing routine capital expenditures at the Borrower's Lower Campus and (4) paying financing and issuance costs related to the issuance of the Bonds (collectively, the "Project") and has held a public hearing on June 17, 2008;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of Albemarle County, Virginia (the "County"); the Project to be located in the County and the Board of Supervisors of Albemarle County, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds;
and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower
3. This resolution shall take effect immediately upon its adoption.

**RESOLUTION TO PARTICPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2009**

WHEREAS, the County of Albemarle desires to submit an application for up to \$1.0 million of Revenue Sharing Funds through the Virginia Department of Transportation Fiscal Year 2008/09 Revenue Sharing Program; and

WHEREAS, the County is willing to commit a \$1.5 million match in order to compete for Revenue Sharing Funds funding to fund the Meadow Creek Parkway for new construction between Melbourne Road and 0.0466 miles north of the Norfolk Southern Railway;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide \$1.5 million of matching funds in its application for \$1.0 million of Revenue Sharing Funds from the Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

**RESOLUTION TO DESIGNATE
BYROM AND PREDDY CREEK PROPERTIES
AS PUBLIC PARKS**

WHEREAS, the Albemarle County Board of Supervisors desires to establish a public park on Tax Map Parcels 6-16, 6-28D and 6-29 donated to the County of Albemarle by Robert and Patricia Anne Byrom; and

WHEREAS, the Board also desires to establish a public park on Tax Map Parcel 22-1 owned by the County of Albemarle along Preddy Creek; and

WHEREAS, Chapter 11, Parks and Recreation Facilities, of the Albemarle County Code establishes and authorizes the enforcement of rules and regulations necessary to properly manage public park property; and

WHEREAS, in order to manage properties under Chapter 11 of the County Code, the aforementioned properties must be used or designated to be used by the public for recreational purposes;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates Tax Map Parcels 6-16, 6-28D, 6-29 and 22-1 as park property to be used by the public for recreational purposes.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF ALBEMARLE, VIRGINIA AND
THE SHERIFF OF ALBEMARLE COUNTY

This Memorandum of Understanding (the "Agreement") made and entered into on the 3rd day of July, 2008 by and between the County of Albemarle, Virginia (the "County") and the Sheriff of Albemarle County (the "Sheriff");

WHEREAS, the County and the Sheriff desire to enter into an agreement setting forth their understanding with respect to compensation, benefits and personnel policies applicable to the Albemarle County Sheriff's Office;

NOW THEREFORE, the parties hereto covenant and agree as follows:

1. Employee Status. Individuals employed by the Sheriff are, and shall remain, appointees of the Sheriff rather than employees of the County. Nothing in this Agreement shall alter or diminish the Sheriff's duties and rights with respect to his deputies and other employees under the Virginia Code, Title 15.2, Chapter 16. The Sheriff's employees shall not be covered by the County's grievance procedures.

2. Compensation. Employees of the Sheriff will continue to participate in the County's pay plan and merit evaluation program as they have since entering the County's pay plan in 2005. The Sheriff agrees to provide all information and cooperation requested by the County for the purpose of administering compensation and classifying employees.

3. County Personnel System. Without diminishing the Sheriff's authority to appoint, hire or discharge his employees, the Sheriff agrees to follow the County's personnel policies in force during the period of this Agreement that pertain to:

- a) the recruitment and selection of personnel, although the Sheriff shall be the final decisionmaker on the selection of all personnel (currently Policy §P-24);
- b) the administration of salaries and classification of positions, including procedures regarding entrance, promotional and reclassification pay (currently Policy §P-60);
- c) the administration of leave and absences except as otherwise required by law (such as the six-week vacation leave accrual limit imposed by Va. Code §15.2-1605), including, but not limited to: annual, sick, compensatory, military, emergency, Workers' Compensation, and Family and Medical Leave Act leave (currently Policies §§P-61/62, 80, 82, 83, 84, 85, 87, 88, and 90);
- d) the usage of County vehicles (currently Policy §P-29), as well as any administrative policies and regulations issued by the County Executive concerning equipment, technology and vehicles provided by the County;
- e) the administration of the County's employee recognition program (currently Policy §P-65) and retirement benefits (currently Policy §P-63);
- f) the determination of eligibility for benefits (currently Policy §P-02);
- g) the performance review of employees, except that the Sheriff's employees shall not be subject to a probationary period (currently Policy §P-23); and
- h) fitness for duty evaluations of employees (currently Policy §P-12).

The County agrees to provide assistance and services to the Sheriff concerning the personnel matters referenced in this paragraph through its Department of Human Resources. The Sheriff and County agree to cooperate in matters involving interagency operations and to develop joint protocols for such work as may be needed.

4. Benefits. In addition to the insurance coverage that the County currently provides to the Sheriff's employees, the County agrees to provide accident and health insurance coverage to auxiliary deputies of the Sheriff's Office to protect them in the event of their injury, illness or death in the course of performing auxiliary services, subject to the following conditions:

- a) The Sheriff shall fund the cost of insurance coverage through June 30, 2009. Beginning in fiscal year 2010, the Sheriff shall include the cost of insurance coverage in his operating budget request to the County.
- b) Subject to appropriations by the Albemarle County Board of Supervisors, the County shall pay for the cost of insurance coverage throughout the term of this Agreement, beginning in fiscal year 2010, provided that the Sheriff: (i) does not increase the number of auxiliary deputy sheriffs above the current number except upon mutual agreement by the County and the Sheriff; (ii) exercises reasonable control and supervision over the auxiliary deputies; and (iii) complies with all applicable legal and Department of Criminal Justice Services requirements concerning auxiliary deputies.
- c) In the event that the Board of Supervisors fails to appropriate funds for the insurance coverage or the Sheriff fails to adhere to the requirements of this paragraph, the County shall be entitled to terminate the insurance coverage upon providing thirty (30) days prior written notice to the Sheriff.

5. Term of Agreement. This Agreement shall take effect upon the full execution of this Agreement by the Sheriff and the County and shall remain in force for the duration of the Sheriff's term in office, unless terminated by either party upon thirty (30) days prior written notice. This Agreement may be amended only upon the written agreement of both the Sheriff and the County.

SHERIFF OF ALBEMARLE COUNTY

By: _____
J. E. "Chip" Harding

Date: _____

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Robert W. Tucker, Jr., County Executive

Date: _____

Approved as to Form:

County Attorney

ATTACHMENT 5

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of February 2007, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Deerwood Subdivision, Phase 4**, as described on the attached Additions Form AM-4.3 dated **July 2, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Deerwood Subdivision, Phase 4**, as described on the attached Additions Form AM-4.3 dated **July 2, 2008**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

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

ORDINANCE NO. 08-2(4)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE I, ELECTIONS, 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 2, Administration, Article I, Elections, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-107, Central absentee voter election district, as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE I. ELECTIONS

Sec. 2-107 Central absentee voter precinct.

There is hereby established a central absentee voter precinct on the first floor of the Albemarle County Office Building, 1600 5th Street, Charlottesville, for the purpose of receiving, counting and recording absentee ballots in all elections.

(11-14-84; Code 1988, § 6-9; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 08-2(4), 7-2-08)

State law reference—Authority to establish central absentee voter election precincts, Va. Code § 24.2-712, as amended.

CONDITIONS OF APPROVAL

SP-2008-012. Embarq-Verizon Wireless-Tier III PWSF.

1. The tower shall not be increased in height;
2. All antennae, dishes and their replacements attached to the tower shall be used for personal wireless service providers;
3. Additional and replacement antenna arrays may be attached only as follows:
 - a. Omni-directional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter, and shall be of a color that matches the tower;
 - b. Directional or panel antennas shall not exceed seven (7) feet in height or two (2) feet in width, and shall be of a color that matches the tower;
 - c. Only flush mounted antennas shall be permitted; no new antennas shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall an antenna project more than twelve (12) inches from the existing structure. The replacement of omni-directional, whip, directional or panel antennas in existing antenna arrays shall be subject to this condition; and
 - d. Existing arrays of directional and panel antennas that are mounted with brackets that separate them by more than (12) inches from the structure may remain. Provided, however that if any of these arrays are replaced at any time, they shall be flush-mounted as provided in condition 3c. This condition shall not pertain to the maintenance and/or replacement of a single panel antenna that malfunctions or is in need of repair.
4. Not more than six (6) satellite or microwave dishes may be attached to the tower at one time, and only as follows:
 - a. The existing six (6) foot diameter grid dish that is subject to this request may be replaced by the specified six (6) foot diameter High Performance dish at a height that is not more than 95.5 feet;
 - b. Other existing satellite and microwave dishes may be replaced on the tower by the same type of dish, provided that the diameter of the replacement dish does not exceed the diameter of the dish being removed, the color of the replacement dish matches the tower, and the mounting height does not exceed that of the dish being replaced;
 - c. Other existing satellite and microwave dishes may be replaced on the tower by a different type of dish if the mounting height is no less than twenty (20) feet below that of the dish being removed, the diameter of the replacement dish does not exceed that of the dish being removed, and the color of the replacement dish matches the tower;
 - d. Other existing satellite and microwave dishes may be replaced by a different type of dish if the proposed mounting height of the replacement dish does not satisfy the height requirements of condition 4c with the written approval of the Zoning Administrator. This approval shall only be granted after the submission of a microwave path survey indicating that the proposed replacement dish will be mounted at the lowest possible height that allows the system to function. In such a case, the path survey shall demonstrate the reason(s) why the proposed height is the lowest possible height, but in no case shall the replacement be higher than the dish it is replacing;
 - e. All replacement satellite or microwave dishes shall be mounted as close to the face of the pole as structurally and mechanically possible and, in no case, shall the distance between the back of the dish and the face of the pole be greater than eighteen (18) inches; and
 - f. Prior to the issuance of a building permit for replacing a dish, the applicant shall provide engineered drawings demonstrating the dimensions of the existing dish to be removed and its replacement dish, and additional information demonstrating the mounting distance between the pole and the dish to the Department of Building Code and Zoning Services.

5. The current owner and any subsequent owners shall submit a report to the Zoning Administrator once (1) per year, by not later than July 1 of that year. The report shall identify each user of the tower and that each user is a personal wireless communications service provider;
6. The permittee shall comply with Section 5.1.12c of the Zoning Ordinance;
7. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless communications services purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney;
8. All work shall be done in general accord with what is described in the applicant's request and site construction plans, entitled "Rio Road, Embarq Property", with a final zoning drawing submittal date of 3/10/2008;
9. The following shall be submitted to the agent after installation of the antenna is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the antenna, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified; and
10. The applicant shall provide landscaping along Rio Road East generally as shown on the Landscape Plan by J. Thomas Dalton sealed 5-21-08, with a final landscaping plan to be administratively approved by staff.