

	<p>an existing bill for maximum speed limit on non-surface treated highways for certain counties. CONSENSUS to add to legislative list for discussion with Legislators on December 9th.</p> <ul style="list-style-type: none"> • Mentioned area along I-64 where large amount of salt had accidentally been spilled following recent snow. Allan Sumpter looked into the issue and the contractor has cleaned it up. • Asked for an update on sunset provisions for special permits. • Asked for a future discussion on home occupations to include what supervision is allowed, restrictions about the types of operations allowed, and how degreasers and chemicals are handled. 	<p><u>Amelia McCulley</u>: Provide update.</p> <p><u>Amelia McCulley</u>: Provide update.</p>
6.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • Steve Koleszar, speaking as a County resident, suggested that as part of its budget deliberations, the Board needs to look at how County government can help mitigate current economic conditions. • Jeff Werner, of PEC and a City resident, spoke about the recent water supply discussion the Board held with City Council. He expressed concern about misinformation and wrong numbers being provided to the community. 	
7.2	<p>CPA 2008-01. Water Supply Planning Update.</p> <ul style="list-style-type: none"> • ADOPTED CPA-2008-01. 	<p><u>Clerk</u>: Set out adopted amendment. (Attachment 1)</p>
7.3	<p>FY 2009 Appropriations</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$77,854.54 and APPROVED FY 2009 Appropriations #2009041 and #2009042. • Ms. Thomas asked staff to look into overhead expense by Justice Benefits, Inc., to administer the grant (#2009041) 	<p><u>Clerk</u>: Forward signed appropriations to Finance and appropriate individuals.</p> <p><u>County Executive</u>: Provide requested information.</p>
7.4	<p>Partnership with VDOT for County Removal of Illegal Advertising Signs in the Highway Right-of-Way.</p> <ul style="list-style-type: none"> • APPROVED the proposed Agreement with the Commonwealth Transportation Commissioner (VDOT) for the removal of illegal advertisements. 	<p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement.</p>
7.5	<p>Set public hearing for Community Development Block Grant application process.</p> <ul style="list-style-type: none"> • SET public hearing for January 7, 2009. • Ms. Thomas asked that suggestions include the Oak Ridge neighborhood sewer. 	<p><u>Clerk</u>: Advertise public hearing for January 7, 2009 and schedule on agenda.</p> <p><u>County Executive</u>: Provide information as requested.</p>
7.6	<p>Expansion of the existing water supply system at Earlysville Business Park to include a proposed new use (moved to Regular Agenda for Action).</p>	
7.6a	<p>Acquisition of Garnett ACE Easement.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution accepting the landowners' offer to sell an open-space 	<p><u>Clerk</u>: Forward copy of adopted resolution to County Attorney, Ches Goodall and David Benish.</p>

	easement to the County, for the price specified and subject to the terms and conditions contained in the proposed deed of easement and AUTHORIZED the County Executive to sign the final deed of easement for the property.	(Attachment 2)
8	Synthetic Turf Athletic Fields. <ul style="list-style-type: none"> County Executive to convene a committee of two Board members (Slutzky and Mallek) and staff to review additional information and data, and report back to Board. 	Clerk: Schedule on December 9 th agenda for further consideration.
	The Board recessed at 11:13 a.m. and reconvened at 11:18 a.m.	
8a.	Expansion of the existing water supply system at Earlysville Business Park to include a proposed new use. <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the waterworks expansion conditioned on the improvements to the central water supply system being approved by the Virginia Department of Health prior to issuance of the certificate of occupancy for the new warehouse and machine shop. 	
9.	Annual StreamWatch 2008 Report, John Murphy. <ul style="list-style-type: none"> RECEIVED. 	
10.	CountyView Web Demonstration. <ul style="list-style-type: none"> HELD. 	
11.	Economic Development Policy Update. <ul style="list-style-type: none"> DEFERRED to January 7, 2009. 	Clerk: Schedule on January 7, 2009 Agenda.
12.	<u>PUBLIC HEARING: Ordinance to amend Chapter 9, Motor Vehicles and Traffic – Vehicle Decal Elimination.</u> <ul style="list-style-type: none"> ADOPTED, by a vote of 6:0, the attached Ordinance No. 08-9(1). 	Clerk: Forward copy of adopted ordinance to County Attorney's office and Finance. (Attachment 3)
13.	<u>PUBLIC HEARING: PROJECT: SP-2008-033. Shadwell Market (Signs # 8&20).</u> <ul style="list-style-type: none"> APPROVED SP-2008-033, by a vote of 6:0, to allow the use of more than 400 gallons of groundwater per site-acre per day for a convenience store. 	
14.	Closed Meeting. <ul style="list-style-type: none"> At 12:16 p.m. the Board went into closed meeting to consider appointments to boards, committees, and commissions. 	
15.	Certified Closed Meeting. <ul style="list-style-type: none"> At 2:08 p.m., the Board reconvened into open session and certified the closed meeting. 	
16.	Boards and Commissions: Appointments. <ul style="list-style-type: none"> APPOINTED Albert LaFave to the Region Ten Community Services Board to fill an unexpired term which will end on June 30, 2011. APPOINTED DeForest Mellon to the Natural Heritage Committee with said term to expire September 30, 2012. APPOINTED John Springett to the Police Department Citizens Advisory Committee to fill an unexpired term which will end on March 5, 2010. REAPPOINTED Ross Stevens to the ACE 	Clerk: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

<p>Appraisal Review Committee with said term to expire December 31, 2009.</p> <ul style="list-style-type: none"> • REAPPOINTED David Booth as an alternate member to the Board of Building Code Appeals with said term to expire November 21, 2013. • REAPPOINTED Bruce Dotson to the Public Recreational Facilities Authority with said term to expire December 13, 2011. • REAPPOINTED Reed Muehlman to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2010. 	
<p>17a. VDOT Monthly Report. Allan Sumpter updated Board members on issues in their districts:</p> <ul style="list-style-type: none"> • VDoT is still working on the Woodlands/ Raes Ford Road intersection; they hope to tie that project down by the end of this month. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Regarding Crozet curbing, weather permitting, VDoT will begin concrete work next week. • Walnut Level Road, which is part of the Rural Rustic Roads Program, is delayed due to the cold weather. The work will be resumed in the spring. • Advance Mills Bridge right of way negotiations and utility relocations are ongoing. The telephone and power companies are currently working on the project. VDoT is still on target for an advertisement date of January 13, 2008. 	
<p>17b. Transportation Matters not Listed on Agenda. <u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • On Route 618, Apple Mountain Road, there is a deep ditch and a narrow stretch of road. It is a dangerous area for cars. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Thanked Mr. Sumpter for the information he provided to her regarding the speed limit on rural rustic roads. • Asked about the weight limit on Dry Creek Bridge. Mr. Sumpter answered that it is still under evaluation due to the Railroad Company using timbers that are smaller than the size VDoT normally uses. • Said that there needs to be better plans when I-64 has blockages. Mr. Sumpter advised that teams have been established to see how the County, Police Departments, Fire and Rescue Departments can all work together in relation to detours. • She asked that the names of the roads and the route numbers be included in the VDoT reports. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • In their long range plan, the MPO has 	<p><u>Clerk:</u> Forward comments to Allan Sumpter.</p>

<p>included bridge projects for this area. They have established priorities in case they receive any Federal bridge funding. He asked VDOT to look at the current bridge projects to see if there are some projects that might move forward quickly if there is an allocation for bridges. VDOT's Bridge Engineer is in the process of setting priorities.</p> <ul style="list-style-type: none"> • The left turn lane into Dunlora Subdivision is not visible, especially in the dark or when it is raining. Mr. Sumpter answered that that intersection will be effected by the Meadow Creek Parkway project, but he will see what can be done in the interim. • Heading North on Route 29, in front of the Post Office, there is still a break in the right hand turn lane. This is a potential traffic and safety hazard. VDOT will look into again. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Thanked VDOT for the speedy replacement of the Buck Mountain Creek Bridge. 	
<p>18. Work Session: Five Year Financial Plan.</p> <ul style="list-style-type: none"> • HELD. 	<p><u>Clerk:</u> Schedule on December 9, 2008 agenda.</p>
<p>Non Agenda: MOU Among the City of Charlottesville, The County of Albemarle, the Albemarle County Service Authority, and the Rivanna Water and Sewer Authority.</p> <ul style="list-style-type: none"> • The Board made the following changes: <ol style="list-style-type: none"> 1) In paragraph 3, add clarification to deal with the timing of the dredging study and to confirm that it is an RSWA implementation of that recommendation. 2) In paragraph 6, in parenthesis, add "(if such study is recommended as provided in paragraph 3, above.)" 3) In paragraph 7, delete the reference to "tasks." <p>Yancey Mills Business Park.</p> <ul style="list-style-type: none"> • MOVED, by a vote of 6:0, to include the Yancey Mills Business Park into the study of the review of the Crozet Master Plan, with the understanding that the Board in this action is not advocating a position on the expansion of the growth area. 	<p><u>Community Development:</u> Proceed as directed.</p>
<p>19. From the Board: Committee Reports and Matters</p> <ul style="list-style-type: none"> • There were none. 	
<p>20. Adjourn to December 9, 2008, 12:00 Noon, Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 5:52 p.m. to December 9, 12:00 Noon, in Room 241. 	

ewj/mrh

Attachment 1 – CPA-2008-01. Water Supply Planning Update
Attachment 2 – Resolution Accepting Offer to Sell A Conservation Easement Under The Ace Program
Attachment 3 – Ordinance to amend Chapter 9, Motor Vehicles and Traffic – Vehicle Decal Elimination

***Amendment to the Comprehensive Plan
Natural Resources and Cultural Assets Plan –
Water Resources section (pages 39-49)***

Watershed Management Planning

Surface water supply protection has been a special concern in Albemarle County since 1972 when the City and County adopted a joint resolution forming the Rivanna Water and Sewer Authority. In November 1973, the Authority appointed an advisory committee to study the reservoir pollution problem. In 1975 a study of the South Fork Rivanna Reservoir was undertaken by Betz Environmental Engineers, Inc. for the Rivanna Water and Sewer Authority. This study recommended the implementation of a comprehensive watershed management plan that included reservoir management, water treatment modifications, point and non-point source controls, and routine watershed monitoring.

Since that time the County has taken numerous proactive steps to protect water quality through land use management, which are bulleted below:

- 1977 Albemarle County Board of Supervisors adopted a Runoff Control Ordinance applicable in all water supply impoundment watersheds (see Map 2-3: Water Supply Watersheds). The purpose of this ordinance was to protect against and minimize the pollution and eutrophication of the public drinking water supply impoundments resulting from land development in the watershed areas
- 1978 Albemarle County Board of Supervisors rezoned all publicly owned properties except school sites within water supply watersheds to a conservation district designation.
- 1979 South Rivanna Reservoir Watershed Management Plan was prepared by F. X. Browne and Associates, Inc. and the Watershed Management Plan Committee.
- 1980 amendments to the 1977 Comprehensive Plan removed all land from the Urban Area also located in the South Fork Rivanna Watershed.
- 1980 comprehensive rezoning of the County placed major limitations on development in the Rural Areas. Special use permit criteria addressed proposed developments located within water supply watersheds
- 1982 revisions to the Comprehensive Plan removed watershed properties from Growth Areas in Crozet, Scottsville, Earlysville, and Ivy. These properties, containing over 1,000 acres, were rezoned to Rural Areas the following year. Crozet and Ivy, both located entirely in water supply watersheds, were scaled back in size.
- 1982 *Section 208 Watershed Management Study of the South Rivanna Reservoir* was completed by F. X. Browne and Associates, Inc. The study concluded that the watershed plan developed in 1977 and refined in 1979 was still valid and should be fully implemented.
- 1988 Crozet Sewer interceptor goes on-line to alleviate point source discharges and failing septic systems.
- 1993 Lickinghole Creek Sedimentation Basin completed in Crozet to alleviate impacts from nonpoint source discharges from the Crozet Community.

- 1998 Water Protection Ordinance adopted, which consolidated and streamlined the existing stormwater, erosion and sediment, and stream buffer ordinances. These changes included strengthening the stream buffer requirements, updating stormwater removal criteria, and strengthening the relationship of water quality protection in relation to land use issues.
- 2007 Water Protection Ordinance amended to include the watershed of the North Fork Rivanna River public water supply intake in the definition of “water supply protection areas” to which extended the requirement of stream buffers to all intermittent streams in that watershed.
- 2008 Water Protection Ordinance amended to expand the stream buffer requirements to all intermittent streams in the Rural Areas, providing the entire Rural Areas the same protection previously afforded only to specific water supply protection areas. The 2008 amendments also clarified the ability for development projects to impact buffers with stream crossings and set specific design criteria for those crossings.

Comprehensive Water Supply Planning

In 2003 the Code of Virginia was amended to require the development of a comprehensive statewide planning process. As part of this requirement, localities are required to submit water supply plans either independently or as part of a region to the Virginia Department of Environmental Quality (DEQ). DEQ will review all local and regional plans and localities will need to review their plans every five years to assess adequacy. Albemarle County elected to join the City of Charlottesville and the Town of Scottsville to develop a regional plan, and each locality passed a resolution in May 2006 authorizing the Rivanna Water and Sewer authority to develop the regional plan, which is due to DEQ in November 2011.

Required elements of the plan include a detailed description of all existing water sources and all existing water use for the entire locality, including both public systems and individual private wells. The plan requires an assessment of the projected water demand and future need for the entire locality and an analysis of potential alternatives for identified deficits. The plan must also include a description of the condition of all existing water resources, a description of any water management actions, a copy of any relevant plans or ordinances, a resolution approving the plan from each locality that is party to the plan, and proof of a local public hearing.

Some of the required plan elements have already been completed during the water supply planning process for the Urban Service Area, and are discussed in the Utilities component of the County’s Land Use Plan. Analysis of the remainder of the County, including Beaver Creek and Totier Creek Reservoirs, the County’s numerous community wells, and the segment of the County served by private wells is underway to complete the plan by the 2011 deadline.

Water Conservation/Drought Response

OBJECTIVE: Support water conservation and use-efficiency measures to minimize impacts to water resource systems and the environment and to prolong the life of existing and future water supplies.

Water conservation and use-efficiency are important overall objectives for water resources management in the County and the region, for both users of public water and for private groundwater derived systems. Water conservation and use-efficiency measures have the potential to prolong the life of existing and future water supplies in both the Development Areas and the Rural Areas, which is important for economic, ecological, and ethical reasons. The Albemarle County Service Authority provides guidance for conserving water in homes and businesses, offers conservation kits that contain water saving devices such as aerators and low-flow showerheads, and offers rebates to customers for replacing pre-1992 toilets with new low-flow toilets. Water conservation tips are posted in all bathrooms in all County buildings, and the bathrooms are equipped with either push activated metered faucets or sensor activated faucets, and waterless hand soap. On a broader scale, the County anticipates addressing water conservation and use-efficiency as part of its

Environmental Management System, which is a set of processes and practices that enable an organization to reduce its environmental impacts and increase its operating efficiency.

In 2004 a Rivanna Regional Drought Response Committee was formed to work cooperatively to provide a coordinated response to drought in the community. Members of the Committee include staff representing the County, the City, RWSA, and ACSA. The Committee developed a *Drought Response and Contingency Plan* to define a method for predicting and identifying drought conditions and specify drought stages that correspond to Virginia's Local and Regional Water Supply Planning Regulations. The plan identifies appropriate use restrictions for each drought stage, and clearly defines the process of public notification and information dissemination. Drought stages are derived from the use of software that analyzes statistical probabilities as to the rate at which the water supply levels would diminish, using the historical period of record, current operating procedures, and existing water demand projections.

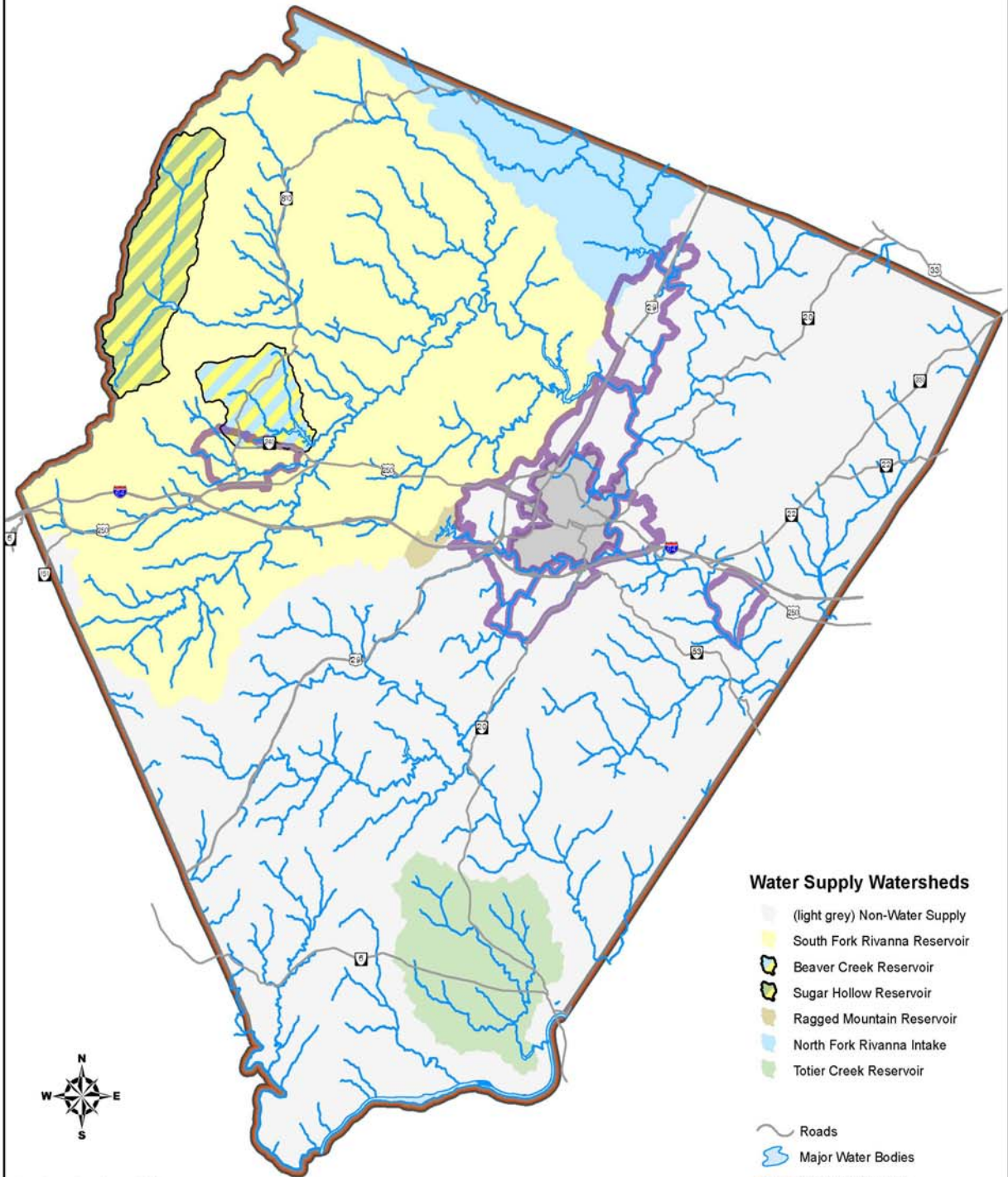
The software model currently utilizes stream flow as an indicator of reservoir levels and potential stress to surface and groundwater systems. Stream flow and rain gauge data can be graphed to clearly depict past drought cycles. Staff analysis of County monitoring wells has also shown a direct correlation of groundwater levels to stream flow and rain gauge data. At this time the County does not possess sufficient well monitoring data to predict drought, but it is clear that the water depth in the wells represents in real time the cumulative recharge that drives the drought cycle. It will be important for the County to continue acquiring additional well monitoring data so that a more complete picture of hydrologic conditions can be utilized when predicting and managing drought conditions.

Ultimately, water conservation and use efficiency must be viewed as an issue of community-wide impact. As stated, the need for a water conservation program is imminent for users of the public system. Users of public water should realize that their consumption (or over-consumption) jeopardizes natural stream flow in the headwater streams that feed the reservoirs. Withdrawals for water supply conflict with other human or ecological uses supplied by the natural flow of a stream or river. On the other hand, rural residents in the water supply watersheds must understand that proper stewardship of the land is needed to protect the reservoirs and their tributaries, upon which the public system users depend. Furthermore, residents of all of Albemarle's rural areas cannot ignore water conservation for their own groundwater-derived systems. Prudent use of well water during the summer months will not only prevent household water shortages, but will also help sustain stream flow in the County's rural streams and springs. Thus, the need for a clean, safe, and sufficient water supply binds together urban, suburban, and rural residents of the County.

Strategies:



- Promote the concept of water conservation as a community-wide issue.
- Continue to initiate proactive measures to encourage community-wide water conservation and use efficiency through multi-agency programs.
- Support the Albemarle County Service Authority, City of Charlottesville, and Rivanna Water and Sewer Authority and the University of Virginia's water conservation and use-efficiency efforts. Implement recommended measures that require County action through regulatory or non-regulatory programs.
- Continue efforts to implement and enhance water conservation and use-efficiency measures at existing and new County-owned buildings and facilities.
- Promote rainwater harvesting as a method of efficiently utilizing the water that falls on our county."
- Continue participation in the Rivanna Regional Drought Response Committee, and implement the Drought Response and Contingency Plan in cooperation with the City, RWSA, and the ACSA.
- Promote the collection and inclusion of groundwater data in water conservation planning and drought response.

Map 2-3: Water Supply Watershed



Water Supply Watersheds

- (light grey) Non-Water Supply
- South Fork Rivanna Reservoir
- Beaver Creek Reservoir
- Sugar Hollow Reservoir
- Ragged Mountain Reservoir
- North Fork Rivanna Intake
- Totier Creek Reservoir
- Roads
- Major Water Bodies
- Perennial Streams
- Development Areas

0 1 2 3 4 Miles

 0 1 2 3 4 5 6 Kilometers


Prepared by Albemarle County, Office of Geographic Data Services (GDS) -- Water_Supply_Watersheds.MXD -- Map created by Derek Bedarf, April 2008
 Note: The map elements depicted are graphic representations and are not to be construed or used as a legal description. This map is for display purposes only.

**Amendment to the Comprehensive Plan
Land Use Plan – Utilities section (pages 116-123)**

Water Service to the Development Areas

The geology of Albemarle County makes it necessary to rely on surface water sources for sizeable water supply. All existing water supply facilities are operated by the RWSA. The RWSA Urban Service Area includes the Development Areas Neighborhoods 1-7, Hollymead, Piney Mountain, and Rivanna. In addition, the Urban Service area also encompasses the City of Charlottesville and the University of Virginia.

The RWSA Urban Service Area is supplied by finished water from the following three water treatment plants (WTP): (1) South Rivanna WTP, (2) Observatory WTP, and (3) North Fork Rivanna WTP. These water treatment plants receive raw water from four reservoirs and one river intake. The South Rivanna WTP is served by the South Fork Rivanna Reservoir. Water from the Sugar Hollow Reservoir can be released into the South Fork Rivanna Reservoir via the Moormans River, a tributary to the South Fork Rivanna River. The Observatory WTP is supplied by water from the Upper and Lower Ragged Mountain Reservoirs via an 18-inch diameter pipeline and from Sugar Hollow Reservoir via another 18-inch diameter pipeline. Excess water from Sugar Hollow Reservoir can also be transferred to the Ragged Mountain Reservoir. The North Fork Rivanna WTP treats water pumped from an intake on the North Fork Rivanna River.

The towns of Crozet and Scottsville are not a part of the Urban Service Area, but are still served by reservoirs and facilities managed by RWSA. The Beaver Creek Reservoir serves as the source of water for the Town of Crozet, and the water from the Reservoir is treated at the nearby Crozet Water Plant. The Town of Scottsville is served by the Totier Creek Reservoir, where water is treated at the Scottsville Water Plant.

Future Water Demand

Urban Service Area – The safe yield available from the RWSA Urban Service Area source water system is diminishing with time due to the significant loss of storage capacity from its primary source, the South Fork Rivanna Reservoir. Since the South Fork Rivanna Reservoir was constructed in 1966 approximately 40 percent of the total reservoir storage capacity has been lost due to sedimentation. Projected water demand for a 50-year planning horizon (2055) is 18.7 mgd, which will exceed the system's safe yield. For complex water intake systems (impoundments in conjunction with streams), safe yield is defined as the minimum withdrawal rate available to withstand the worst drought of record in Virginia since 1930.

In planning for the provision of additional water supply within the Urban Service Area, RWSA, in coordination with Albemarle County, the City of Charlottesville, and the Albemarle County Service Authority explored 32 possible alternatives, then narrowed those alternatives using federal and state environmental impact criteria to a final four alternatives. The four alternatives included a short bladder on the South Fork Rivanna Reservoir Dam, dredging of the South Fork Rivanna Reservoir, a new intake and pipeline from the James River, and a new dam at the Ragged Mountain Reservoir. After significant public input it was determined that an expansion project of the Ragged Mountain Reservoir and the construction of a pipeline between South Fork Rivanna Reservoir and Ragged Mountain Reservoir was the least environmentally damaging practicable alternative available for expanding the water supply to the Urban Service Area. The Albemarle County Board of Supervisors voted to endorse this plan for the Urban Service Area at the June 7, 2006 regular Board meeting.

Numerous studies and reports have been completed that fully document demand analysis, safe yield of the existing resources, and alternatives analysis and selection. These studies are listed below and include as appendices other historical studies. The suite of documents is housed at RWSA and should be referenced for detailed information:

- *Safe Yield Study*, Gannett Fleming, January 2004
- *Demand Analysis for the Urban Service Area*, Gannett Fleming, May 2004
- *Safe Yield Study Supplement No. 1*, Gannett Fleming, July 2004
- *Joint Permit Application*, Gannett Fleming and Vanasse Hangen Brustlin, Inc., June 2006

- *Permit Support Document*, Gannett Fleming and Vanasse Hangen Brustlin, Inc., May 2006
- *Conceptual Stream and Wetland Mitigation Plan*, Vanasse Hangen Brustlin, Inc., December 2006

The long term viability of the South Fork Rivanna Reservoir as not only a water supply, but also as an important recreational and natural resource continues to be of paramount concern to the County. In June 2008 the County endorsed a separate cooperative study with the City of Charlottesville and RWSA to study the merits of maintenance dredging, siltation prevention, and other appropriate initiatives to protect and enhance the aquatic health and water quality of the reservoir as a long-term resource for the community.

For both Crozet and Scottsville the projected average daily demand for a 30-year planning horizon (2035) is within each system's safe yield, and no expansion to these systems is projected. The following studies have been performed, are also housed at RWSA, and should be referred to for more detailed information:

- *Beaver Creek Reservoir Safe Yield Study*, Gannett Fleming, June 2008
- *Totier Creek Reservoir Safe Yield Study*, Gannett Fleming, June 2008

Recommendations

- Support construction of the Ragged Mountain Reservoir expansion and connecting pipeline from the South Fork Rivanna Reservoir
- Support and participate in evaluating the need and feasibility for maintenance dredging of the South Fork Rivanna Reservoir to preserve its integrity as a water supply and a recreational resource.
- Continue to initiate proactive measures to encourage community-wide water conservation and use efficiency through multi-agency programs (see *Water Supply Planning* in the Natural Resources and Cultural Assets section of the Comprehensive Plan).

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner(s) of the following properties:

Garnett, Charles Mercer, III; **Garnett**, George Carr; **Garnett**, Robert T.; and **Moon**, Leigh Garnett

TM 44, Parcel 4J (21.500 acres) and TM 44, Parcel 4K (50.000 acres)

WHEREAS, the owners offered to sell a conservation easement on the properties described above to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County's invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for the property described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner(s) of the property identified herein, or the appropriate contact person.

ORDINANCE NO. 08-9(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, 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 9, Motor Vehicles and Traffic, Article I, In General, and Article IV, County Vehicle Licenses, is hereby amended and reordained as follows:

By Amending:

- Sec. 9-118 Removal or immobilization of vehicles with outstanding parking violations – Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties
- Sec. 9-401 Violations
- Sec. 9-403 Application for decal; payment of tax; issuance of decal
- Sec. 9-406 License tax – Refunds
- Sec. 9-408 Decal not to be issued until all personal property taxes are paid
- Sec. 9-409 Duration

By Repealing:

- Sec. 9-410 Display of license decal, etc.
- Sec. 9-411 Decal for replacement vehicle
- Sec. 9-412 Duplicate license decal, etc.

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 9-118 Removal or immobilization of vehicles with outstanding parking violations— Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

A. Police officers and other uniformed personnel designated by the chief of police to enforce the parking provisions of this code shall post a written notice of violation on the windshield of each vehicle found illegally parked. Such notice of violation shall state that the recipient of the notice may elect to waive his or her right to appear and be tried for the offense or offenses indicated in the notice.

B. Persons desiring to waive trial may do so by voluntarily remitting to the office of the director of finance the amount of the fine stipulated for each violation marked on the notice. Such fines shall be levied in accordance with the schedule set forth in paragraph (E) of this section. If the required amount is not received in the office of the director of finance or mailed and postmarked within forty-eight hours after the notice of violation is issued, the amount of the applicable fine shall be doubled.

C. Whenever the fines are paid by mail, the responsibility for receipt of the payment by the director of finance shall lie with the registered owner of the vehicle parked in violation. Payment may be made by personal check; provided, that if such check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violations, and shall likewise be subject to a service charge of twenty-five dollars (\$25.00) for processing the returned check.

D. Any recipient of a notice of violation desiring to contest the charges cited in the notice shall appear at the office of the director of finance and, on forms provided by the director of finance, file a written request for administrative review and dismissal of the charges. The facts of the request shall be reviewed and commented upon by a representative of the director of finance and a representative of the police department, who shall recommend whether the request should be approved or denied. Acting on such request and recommendation, the attorney for the commonwealth or his assistant shall decide whether the charge shall be dismissed. The recipient of the notice shall indicate on the request for review whether a hearing in court is demanded in the event the request for dismissal is denied. If the request for review is

made within forty-eight (48) hours of the violation, the recipient shall have an additional forty-eight (48) hours after denial of the request to remit the fine, before the amount thereof is doubled.

E. The schedule of fines shall be as follows:

Offense	Paid before 96 hours	Paid after 96 hours
Parking on Sidewalk	\$10.00	\$20.00
Blocking Driveway	\$10.00	\$20.00
Park within 15 feet of fire hydrant	\$10.00	\$20.00
Park within bus zone	\$10.00	\$20.00
Park in crosswalk	\$10.00	\$20.00
Double Parking	\$10.00	\$20.00
Parking in Fire Lane	\$25.00	\$50.00
Parking in loading zone	\$10.00	\$20.00
Parking in prohibited zone	\$10.00	\$20.00
Overtime parking	\$5.00	\$10.00
Parking within 50 feet of railroad crossing	\$10.00	\$20.00
Parking alongside or opposite street obstruction or excavation	\$10.00	\$20.00
Parking on bridge	\$10.00	\$20.00
Parking where prohibited	\$10.00	\$20.00
Handicapped Parking	\$100.00	\$200.00

F. Any vehicle owner who fails to respond to a notice of violation, either by paying the stipulated fines or by filing a request for review or hearing with the director of finance within ten days, shall be subject to summons and arrest pursuant to Virginia Code § 46.2-941.

(10-11-89; Ord. of 6-9-93; Code 1988, § 12-9.1; Ord. 98-A(1), 8-5-98; Ord. 08-9(1), 12-3-08)

State law reference--Va. Code § 46.2-1225.

ARTICLE IV. COUNTY VEHICLE LICENSES

Sec. 9-400 Vehicle license tax imposed.

There is hereby levied a license tax upon every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county, except as otherwise specifically provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

State law reference--Va. Code § 46.2-752.

Sec. 9-401 Violations.

It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer to fail to obtain a valid local license, as required by this article. Law enforcement officers may issue summonses or warrants-for violations. A violation of this article shall constitute a Class 4 misdemeanor.

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference--Va. Code § 46.2-752(G).

Sec. 9-402 Exempted vehicles-Generally.

A. The provisions of this article shall not apply to any vehicle exempted by the provisions of Virginia Code §§ 46.2-663 through 46-2.683 or Virginia Code § 46-2-755, nor shall the provisions of this article apply to any vehicle licensed pursuant to Virginia Code §§ 46.2-750 through 46.2-751.

B. The provisions of this article shall not apply to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission or the Interstate Commerce Commission, or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 46.2-663 through 46.2-683, 46.2-696, 46.2-750, 46.2-751, 46.2-755.

Sec. 9-403 New vehicles required to obtain a license.

The purchaser of a new vehicle or a new resident of the county is required to obtain a vehicle license within thirty (30) days of the purchase date or the date the owner moved into the county.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference--Va. Code § 46.2-752(l).

Sec. 9-404 License tax--Amounts.

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be thirty-eight dollars and fifty cents (\$38.50) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and forty-three dollars and fifty cents (\$43.50) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty-six dollars and fifty cents (\$26.50).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

Gross Weight	Annual Tax
0 - 1,500 lbs.	\$19.50
1,501 lbs. and above	\$30.00

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08)

State law reference--Va. Code §§ 46.2-694(A), 46.2-694.1, 46.2-752, 46.2-1168.

Sec. 9-405 License tax--Prorating.

For new registrations only, the license tax prescribed by this article shall be prorated monthly commencing with the month in which such license tax first becomes due and payable. Renewals, timely or otherwise, of previously registered vehicles, trailers or semitrailers shall not be prorated. The license tax shall be collected from and include that month on the basis of one-twelfth of the annual license tax through each month remaining in the current license year. The prorated license tax shall be rounded to the nearest dollar. In no case, shall the amount of license tax collected be less than two dollars (\$2.00).

(Code 1967, § 12-94; 4-21-76; 6-7-89; Ord. of 3-20-91; Code 1988, § 12-26; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

State law reference--Va. Code § 46.2-752(A).

Sec. 9-406 License tax--Refunds.

Any person who has paid a license tax under this article who disposes of the vehicle, trailer or semitrailer for which the tax was paid and does not purchase another vehicle, trailer or semitrailer may request a prorated refund of the license tax paid. The director of finance shall refund to the applicant one-twelfth (1/12) of the annual license tax for each full month remaining in the current license year. The refund shall be rounded to the nearest dollar. an amount of less than two dollars (\$2.00) shall not be refunded nor applied to any other fee, tax or amount due the County of Albemarle.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference--Va. Code § 46.2-752(A).

Sec. 9-407 License tax--Disposition.

All license taxes collected pursuant to this article shall be deposited by the director of finance in the general fund of the county.

(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

Sec. 9-408 License not to be issued until all personal property taxes are paid.

No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall receive a vehicle license unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed which have been assessed or are assessable against such applicant have been paid, and satisfactory evidence that any other delinquent manufactured home, motor vehicle, trailer or semitrailer personal property taxes owing by the applicant and which have been properly assessed or are assessable against the applicant have been paid.

(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference--Va. Code § 46.2-752(C).

Sec. 9-409 Duration.

The license tax year under the terms of this article shall commence on the first day of January and shall expire on the thirty-first day of December of the calendar year.

(Code 1967, § 12-98; Ords. (2) of 2-14-90; Code 1988, § 12-30; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

Sec. 9-410 Reserved.
Sec. 9-411 Reserved.
Sec. 9-412 Reserved.