

**ACTIONS**  
**Board of Supervisors Meeting of October 7, 2009**

October 8, 2009

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 9:05 a.m. by the Chairman, Mr. Slutzky. All BOS members were present. Also present were Bob Tucker, Larry Davis, and Ella Jordan.</li> </ul>	
<p>4. Recognitions:</p> <ul style="list-style-type: none"> <li>Proclamation recognizing October 2009 as Domestic Violence Awareness Month. <ul style="list-style-type: none"> <li>Chairman read proclamation.</li> </ul> </li> <li>2009 Digital Government Award. <ul style="list-style-type: none"> <li>Chairman recognized the County's Web Team.</li> </ul> </li> </ul>	(Attachment 1)
<p>5. From the Board: Matters Not Listed on the Agenda.  <u>David Slutzky:</u></p> <ul style="list-style-type: none"> <li>Mentioned VDoT's presentation on the Route 29 Corridor Study and the concern with the proposed Eastern Bypass route which goes through farms in the eastern part of the County and the affect it will have on conservation easements. While at the train station, for the new Amtrak route, he mentioned these concerns to the Governor and the Governor indicated that he had already sent an email to the Secretary of Transportation addressing this issue. The County will continue to track this matter.</li> <li>Updated Board on progress of stormwater regulations. Since substantial changes were made to the regulations, they have been suspended for 30 days to allow for an additional comment period. Asked staff to provide a summary of the regulations that the County supports to forward during the comment period.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>Discussed the Route 29 Corridor Study. He has a proposed resolution concerning the Route 29 Corridor Study which includes the route for the proposed Eastern Bypass. The deadline for comments is October 16<sup>th</sup>. The resolution will be taken up during transportation matters.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>Updated the Board on her recent trip to Italy. Encouraged Board members to maintain the relationship with the Italians after she leaves the Board.</li> <li>Received call from individual about a party that was held in a house that was about 400 feet from her house; the party was so noisy that it shook her house. The Police were called several times and asked them to keep it quiet which is the only recourse at this time. She asked how the County is moving forward on the</li> </ul>	<p><u>Mark Graham:</u> Provide for Board's review on October 14<sup>th</sup>.</p>

noise ordinance. Mr. Davis said staff plans to bring a model ordinance back to the Board in either November or December to address the issue; but it will be an ordinance based on distance and audible sounds.

Ken Boyd:

- Recently attended a meeting at the Airport and left the meeting with the idea that there is a lack of hanger space for general aviation. This results in millions of dollars of planes being housed at other airports. Encouraged the Airport to move forward with expansion. There are private enterprises willing to step up and build the hangers and make them available. Bill Schraeder, of the Airport Commission, was present and stated that they met yesterday and have appointed members of the Commission to meet with the group that Mr. Boyd met with and discuss the need to move forward on the RFP.

Ann Mallek:

- Provided Board members with a copy of the Workforce Center's new brochure aimed at business services as well as employee-client services and workforce training.
- The Crozet Park Board is beginning a fundraising effort to raise money to put the bubble over the pool. Hopes that sometime in the future the County will be able to partner with them.
- As of October 1<sup>st</sup> many different trash disposal companies are beginning to offer recycling pickup at your house, including all seven brands of plastic, cardboard glass, etc.
- This past weekend the Crozet Music Festival was held; there was a great turnout.

Lindsay Dorrier:

- Updated the Board on the progress of the Hatton Ferry Committee. The Committee has met with Butch Davies; they have already raised about \$18,000 for the fund, and they are starting a fund drive. Asked if Parks and Rec could work with the Committee to help apply for an enhancement grant. Commented that the Today Show did a segment on the Hatton Ferry.

6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

- Denise Lunsford, Commonwealth's Attorney, spoke about the Compensation Board's recent reduction of \$32,000 in funding and requested the County provide additional funding to cover this loss. She explained the decrease in services that will occur if this funding is not provided.
- Harrison Taylor, Tony Vanderwalker, Robert Weary, Morgan Butler and Jeff Werner spoke about the Route 29 Corridor Study, opposition to the proposed Eastern Bypass and opposition to extension of Leonard Sandridge Road.

Bob Tucker: Suggested staff look at the broad issue of all the Constitutional Officer's offices to see what can be done.

<ul style="list-style-type: none"> <li>• <u>Jeff Werner</u>, of PEC, said every year PEC recognizes individuals who have contributed to the success of their core mission. At their annual meeting this year, they recognized Sally Thomas, with the Conservation Leadership Award.</li> </ul>	
7.2 FY 10/11 Operating and Capital Budget Calendar. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the preliminary budget calendar.</li> </ul>	(Attachment 2)
7.3 FY09 End-of-Year Preliminary Financial Report. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the Preliminary June 30, 2009 End-of-Year Financial Report.</li> </ul>	
7.4 Resolution of Intent - Farm Stands Zoning Text Amendment. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Resolution of Intent to Amend the Zoning Ordinance.</li> </ul>	Clerk: Forward copy of resolution to Zoning, Planning and County Attorney's office. (Attachment 3)
7.5 Resolution to Amend Personnel Policy P-80, Absences. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Resolution to amend Personnel Policy P-80 Absences.</li> </ul>	Clerk: Forward copy of resolution to Human Resources and County Attorney's office. (Attachment 4)
8. Draft TJPDC Legislative Program, David Blount. <ul style="list-style-type: none"> <li>• Mr. Blount announced that the Legislative Luncheon will be held on Monday, November 16<sup>th</sup>, COB-5<sup>th</sup> Street.</li> <li>• <b>ADOPTED</b>, by a vote of 5:1 (Boyd) the Draft TJPDC Legislative Program.</li> </ul>	(Attachment 5)
9. Strategic Plan Report. <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
Board recessed at 11:09 a.m. and reconvened at 11:17 a.m.	
10. FY 2010 Budget Update. <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, the following items to address Local Government's shortfall of \$1.771 million: <ul style="list-style-type: none"> <li>• Revenue Shortfall Contingency \$0.540</li> <li>• Salary Contingency Shortfall \$0.100</li> <li>• BOS Contingency Reserve \$0.080</li> <li>• EMS Revenue Recovery \$0.075</li> <li>• Salary Savings (add'l 10 positions) \$0.376</li> <li>• Housing Down Payment Assistance \$0.130</li> <li>• ACE Program \$0.470</li> <li>• Total \$1.1771m</li> </ul> </li> <li>• <b>DIRECTED</b> that the 60 percent split of new local tax revenues with School System be held until further discussions; it will not automatically be transferred.</li> </ul>	<u>Finance/OMB</u> : Proceed as approved.
11. Website Update. <ul style="list-style-type: none"> <li>• Board members to provide any comments they have to Lee Catlin.</li> </ul>	
12. <b>Public Hearing: FY 2010 Budget Amendment.</b> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, the FY 2010 Budget Amendment in the amount of \$22,088,773.88 and <b>APPROVED</b> Appropriations #2010025, #2010026, #2010027, #2010028, #2010029, #2010030, #2010031, #2010032, #2010033, #2010034, #2010035, and #2010036 to provide funds for various local government and school projects and programs.</li> </ul>	Clerk: Forward approved appropriations to Finance, OMB and appropriate individuals.

<p>13. <b>Public Hearing:</b> Ordinance to amend Section 4-200, Running at Large Prohibited, of Chapter 4, Animals and Fowl, Article II, Dogs, of the Albemarle County Code to designate the Montvue Subdivision as an additional area of the County where dogs are prohibited from running at large in the rural areas district.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the attached Ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of ordinance to Police Department, Animal Control and County Attorney's office. (Attachment 6)</p>
<p>14. Crozet Master Plan Revision Update.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, the list of Focus Areas for revision, and update of the Crozet Master Plan, the general public process and the schedule for developing strategies to address the Focus Areas as recommended by staff.</li> </ul>	<p><u>Planning staff:</u> Proceed as approved.</p>
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 1:16 p.m., the Board went into Closed Meeting to consider appointments to boards, committees, and commissions, to discuss with legal counsel and staff specific matters requiring legal advice relating to the negotiation of a contract for services provided by the SPCA, and to discuss with legal counsel and staff specific matters requiring legal advice relating the negotiation of a lease agreement for a library.</li> </ul>	
<p>16. Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 2:22 p.m., the Board reconvened into open meeting and certified the Closed Meeting.</li> </ul>	
<p>17. Appointments: Boards and Commissions.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>	
<p>18a. VDOT Monthly Report. Allan Sumpter provided the following additional updates:</p> <ul style="list-style-type: none"> <li>• Summarized monthly report.</li> <li>• Earlier today he and Bill Parman met with School representatives and citizens concerning crossing at Albemarle High School. Will install countdown equipment. At corner of Georgetown and Hydraulic Roads, and coming out of Whitewood Drive will install "yield to pedestrian" signage.</li> <li>• At Ashwood Boulevard and Powell Creek, the warrants did not meet a four-way stop sign. Plan to install pedestrian signage on both sides of the intersection and possible additional of stop bar.</li> <li>• At corner of Berkmar Drive found a structural problem with the mast arm which will require replacement before completion of the crossing signals.</li> <li>• Pedestrian signal has been installed at Commonwealth Drive, but not yet activated.</li> <li>• VDoT is proceeding with plans to replace the bridge structure at Sugar Hollow. The bridge will be closed from a month to five weeks. It then will be a legal load bridge. Ms. Mallek asked that a temporary sign be installed in the center of White Hall so that people will know to detour. Also asked that detour signage be installed at</li> </ul>	<p><u>Clerk:</u> Forward comments to Sue Kennedy and Allan Sumpter.</p>

Piedmont Store.

David Slutzky:

- Asked status of safety improvements on Hillsdale Drive and Rio Road. Joel DeNunzio stated that earlier this week VDoT permitted the work to be done. Thinks the work will begin in the next couple of weeks. VDoT has not yet received the construction schedule from the contractor. Also thinks construction time is supposed to be two to three months.
- Had conversation with Jim Utterback regarding the engineering analysis that needs to be done to determine the span of the Berkmar Bridge over the Rivanna River. He indicated that he would look to see if there were some potential funds available for the preliminary soil borings. Asked Mr. Sumpter if he could check on that.

Ann Mallek:

- Asked if there was a timetable for the rumble strips for Reas Ford Road. Mr. Sumpter said he hopes to have them installed this month.

Sally Thomas:

- Asked how VDoT decides to pave road when it doesn't look like they need it. Mr. Sumpter explained that equipment specifically set up with scientific equipment does detailed imagery of the roadway by looking closely into the pavement, take readings, skid resistance, etc. The equipment measures the distresses, fatigues, etc. They are set up with a combined condition index, with a threshold of 60. If a pavement falls below that threshold, it is considered to be a candidate for pavement. All pavements being done with stimulus funds have been at the threshold or below. He added that high volume roads are getting a pavement life of eight to ten years.

Ann Mallek:

- Asked if the change from the slip lane to the taper lane has been taken care of for Orchard Road. Mr. Sumpter responded that it is in the redrawing process. Mr. Rooker asked the schedule for the road. Mr. Sumpter responded that the schedule is February 2011.

Lindsay Dorrier:

- Again mentioned the narrowness and big drop off of Route 726, James River Road, and the inability for trucks to pass. The problem is that trucks have to actually back up when they meet in this area. Mr. Sumpter said the problem is that there is pipe that goes under the road and it would be a significant undertaking to get the width. VDoT will do some additional review. Mr. Dorrier suggested possibly installing signage that trucks of a certain size use a different route.

David Benish:

- VDoT has received a request from the Ashcroft Homeowners' Association to remove the Child

David Benish: Proceed as approved.

<p>at Play signs in the Ashcroft area. If no resolution of the Board is needed, staff supports the request to remove the signs because of the traffic calming measures that have been installed. <b>APPROVED</b>, by a vote of 6:0, to support the removal of the Child at Play signs in Ashcroft Subdivision at the request of the Homeowners' Association, if staff determines they can be removed.</p> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>• Asked the status of the Proffit Road neighborhood Child at Play sign request. Mr. Benish said he would follow-up.</li> </ul>	
<p>18b. Discussion: Amendment to the FY2009/10 through 2014/15 Six Year Secondary System Construction Program.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b> Public hearing scheduled for October 14<sup>th</sup>.</li> </ul>	
<p>18c. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Asked about enhancement grants for 2010. Mr. Cilimberg commented that the State is looking at how they prioritize enhancement grants, and have asked for input.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• <b>Moved</b>, by a vote of 5:1(Boyd) to adopt the attached resolution in response to the report on the Route 29 Corridor Study.</li> </ul>	<p><u>Clerk:</u> Forward to appropriate officials in VDOT. (Attachment 7)</p>
<p>19a. Quarterly Update: Albemarle County Service Authority, Gary Fern.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
<p>19b. Quarterly Update: Rivanna Water and Sewer Authority, Tom Frederick.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
<p>20. From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>	
<p>Recess and Reconvene in Room 241.</p> <ul style="list-style-type: none"> <li>• At 4:12 p.m., the Board recessed.</li> </ul>	
<p>21. <b><u>Joint Meeting with School Board.</u></b> Call to Order.</p> <ul style="list-style-type: none"> <li>• At 4:17 p.m., the Board reconvened and called the meeting to order.</li> </ul>	
<p>22. Discussion: Overview of the FY 2011 Projected Revenues.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
<p>23. Discussion: FY 2011 Compensation.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, to support staff's recommendations to: <ul style="list-style-type: none"> <li>• use portion of Health Care Reserve to offset medical increase;</li> <li>• revise service requirement for retirees to remain on group medical and dental; and</li> <li>• develop recommendations regarding VERIP health contribution benefit.</li> </ul> </li> <li>• <b>CONSENSUS</b> of Board of Supervisors to wait until after its Strategic Planning retreat to weigh in on other components of compensation considerations.</li> </ul>	
<p>24. Discussion: Review of VERIP Program.</p>	

<ul style="list-style-type: none"> <li>• <b>RECEIVED.</b> To come back to Boards for discussion in December.</li> </ul>	
25. Adjourn. <ul style="list-style-type: none"> <li>• At 5:49 p.m., the Board meeting was adjourned.</li> </ul>	

/ewj

- Attachment 1 - Proclamation recognizing October 2009 as Domestic Violence Awareness Month
- Attachment 2 – FY 10/11 Operating and Capital Budget Calendar
- Attachment 3 – Resolution of Intent - Farm Stands Zoning Text Amendment
- Attachment 4 – Resolution to Amend Personnel Policy P-80, Absences
- Attachment 5 – Draft TJPDC Legislative Program
- Attachment 6 – Ordinance – Montvue Subdivision
- Attachment 7 – Resolution in response to the report on the Route 29 Corridor Study

**PROCLAMATION**

**WHEREAS**, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

**WHEREAS**, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 30<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that I, David Slutzky, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of **October 2009** as **DOMESTIC VIOLENCE AWARENESS MONTH**, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.



## FY 10/11 BUDGET CALENDAR

**August 2009**

- 7 CIP project requests due to OMB
- 28 Community agency applications distributed

**September 2009**

- 9 Operating budget manual and instructions available for departments

**October 2009**

- 7 Joint Compensation meeting with BOS and School Board
- 16 Complete budget request packet due to OMB
- 16 Board Retreat

**November 2009**

- 3 CIP project information to Oversight Committee
- 4 BOS Work Session – Five-Year Financial Plan
- 9 CIP Oversight Committee meeting #1
- 11 **10:00 a.m. – 12:00 Noon** - BOS Work Session – Five-Year Financial Plan
- 13 Community agency applications due to OMB
- 16 CIP Oversight Committee meeting #2
- 23 CIP Oversight Committee meeting #3 (if needed)

**December 2009**

- 2 Final BOS Work Session – Adoption of Five-Year Financial Plan
- 2 **4:00 p.m.** - Joint CIP meeting with BOS and School Board

**January 2010**

- 26 General fund and special revenue funds balanced

**February 2010**

- 26 Budget document published

**March 2010**

- 3 **6:00 p.m.** - Public Hearing on County Executive's Recommended Budget
- 8 **9:00 a.m. – 12:00 Noon** - BOS Work Session
- 10 **9:00 a.m. – 12:00 Noon** - BOS Work Session – School Division
- 15 **9:00 a.m. – 12:00 Noon** - BOS Work Session – CIP
- 17 **9:00 a.m. – 12:00 Noon** - BOS Work Session (if needed)
- 31 **6:00 p.m.** - Public Hearing on Board's Proposed Budget
- 31 **6:00 p.m.** - Public Hearing on the 2010 calendar year tax rate

**April 2010**

- 7 BOS sets the 2010 calendar year tax rate
- 7 BOS adopts FY 10/11 budget

**RESOLUTION OF INTENT**

**WHEREAS**, two of the guiding elements of the County’s vision for rural Albemarle County, as expressed in the Comprehensive Plan’s Rural Areas Plan, are: “A strong agricultural and forestal economy, with large unfragmented parcels of land on which to produce their goods, opportunities to gain value from processing their own produce, and access to local markets” and “Plans, policies and decision making that consider and protect rural economies and ecological processes”; and

**WHEREAS**, one of the guiding principles of the Comprehensive Plan’s Rural Areas Plan is to “Provide support to local and agricultural and forestal economies and connect local producers and consumers of local rural products”; and

**WHEREAS**, it is desired to amend the Albemarle County Zoning Ordinance to expand the opportunities for the sale of local farm products.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend Zoning Ordinance §§ 4, 5 and 10 and any other sections of the Zoning Ordinance determined to be appropriate to achieve the purposes described herein; and

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

## RESOLUTION

**WHEREAS**, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

**WHEREAS**, an amendment is proposed to authorize the County Executive to issue emergency regulations regarding employee work hours, absences and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures; and

**WHEREAS**, the Board of Supervisors finds the proposed amendment to the Personnel Policy promotes the efficient operation of the County.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends the following section of the County of Albemarle Personnel Policy Manual:

**Section P-80 ABSENCES**

The Board strives to keep attendance of employees at a maximum and absences at a minimum. The Board recognizes, however, that absences are unavoidable and allows certain absences and absence payments. The Board will establish policies that are meant to maintain the highest possible efficiency. Allowance will be made to permit bona fide absences, and prevent employees who have been ill from becoming a hazard to other employees by returning to work too soon.

A. Procedure for Compliance for Absences

It will remain the right of the department head/designee and the County Executive or designee to:

1. Authorize, or refuse to authorize in exceptional cases, the advance request of an employee for permission to be absent.
2. Investigate absences.
3. Deny leave payment for absences in violation of any Board policy.
4. Impose reasonable disciplinary penalties upon employees who have abused their leave privileges and who violate the provisions of the "Responsibilities of Employees" section of this policy.

B. Responsibilities of Employees

Every employee of the County has the following obligations and responsibilities concerning absence:

1. Request for Leave – When the need for being absent from work is known in advance, the employee must notify his immediate supervisor as far in advance as possible on the Leave Form provided by the Department of Human Resources.
2. Notice of Unexpected Absence – When an employee who has not given advance notice finds that he cannot report to work, the employee must notify his supervisor prior to starting time or within thirty (30) minutes of the regular starting time unless the department has established other guidelines for notification. Employees should be aware of the notification requirements of their departments. Upon returning to work, the employee must complete a Leave Form as a record of absence.
3. Failure to Give Notice – Failure to give the notice required shall constitute cause for a reasonable disciplinary penalty including cause for denial of absence pay allowance. Unless an absence has been authorized in advance or an absence is unavoidable, every employee shall be expected to be present and on time for his scheduled work.

C. Employees Returning to Work After Illness

Before an employee returns to work after an absence due to illness, the employee may be requested to submit a medical release certifying the illness and that he is well enough to return to work. This medical release shall be from the employee's physician or, if required by the department head, a physician designated by the Human Resources Department. In all instances, the employee will be advised of the requirement prior to the employee being authorized to return to work.

D. Absences for Personal Business, Bereavement, or Illnesses

Absences for urgent personal business, bereavement, or illness will be granted at the discretion of the immediate supervisor and in compliance with Board policy. Sick Leave may be used for bereavement leave for immediate family members. (See also Sick Leave, P-85) Bereavement leave for non-immediate family members shall be covered by compensatory time, Annual Leave or Unpaid Leave. (See also Annual Leave, P-84 and Unpaid Leave, P-82)

E. Jury Duty

The Board recognizes the duty of every citizen to serve on a jury when requested and will allow payment from the court for serving on jury duty. Employees serving jury duty will receive full salary as well as retain compensation received from the court. Employees are expected to give notice of jury duty and to report to work when jury is not in session. Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as County employees will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employee grievance proceedings), whether such actions involve the County or not, will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Such employees will be required to use accrued compensatory time, Annual Leave or Unpaid Leave for all hours spent in connection with such actions that occur during working hours.

F. Military Leave

Military leave of absence will be granted by the Board in accordance with existing state and federal statutes. (See also Military Leave, P-83)

G. Breaks

There is no formal break time provided by Albemarle County. However, reasonable time shall be provided for personal care and refreshments during the workday.

H. Lunch Time

A lunch period of at least thirty (30) minutes shall be provided to each fulltime employee and, unless prior supervisory approval is received, employees may not forego the lunch period in order to shorten the workday. (See also Overtime/Compensatory Time, P-61/62)

I. Acceptable Attendance

Acceptable attendance is a minimum expectation of all County employees. Department Heads are responsible for monitoring attendance within their departments. Except as noted, when an employee's absenteeism exceeds four percent (4%) of available work time for Sick Leave, Unpaid Leave, and/or unplanned use of compensatory time or Annual Leave, his department head is responsible for investigating the absenteeism and taking appropriate action as necessary. Leave taken under FMLA and/or Workers' Compensation shall not be considered when determining acceptable attendance. However, nothing shall prohibit the County from determining an employee's eligibility to return to employment once FMLA has been exhausted.

J. Emergency Regulations

The County Executive may issue emergency regulations regarding employee work hours, absences, and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures.

Amended: August 4, 1993, April 20, 2005, September 3, 2008, October 7, 2009

**2010  
Thomas Jefferson Planning  
District Legislative  
Program**

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**FIRST DRAFT  
September 2009**

Carl Schmitt, Chairman  
Steve Williams, Executive Director  
David Blount, Legislative Liaison

**ACTION ITEMS**

**LOCAL and STATE FUNDING OBLIGATIONS**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the governor and legislature to honor their funding obligations to services provided in cities and counties by their local government partners, and to resist shifting costs or expanding requirements for these programs to localities.**

Revisions to the state general fund budget for FY09/FY10 approved by the 2009 General Assembly produced a \$2.8 billion reduction over the previous version of the plan. A continuing decline in state revenue collections has driven the gap in the current fiscal year to an estimated \$1.35 billion, and it could go higher. FY10 state general fund revenues likely will be \$750 million below FY06 state general fund revenues. The gloomy budget outlook likely will extend into 2011 and 2012 as well, as projections call for only modest revenue growth over the period. All this spells bad news for state aid to localities. There will be additional reductions in state aid at the same time cost pressures continue to build. This causes great concern for local governments, especially in the areas of public education, public safety and health/human services. We believe reduction or elimination of state funding for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement.

Local governments, which are overly dependent on the real estate tax that continues to produce less revenue due to the sluggish housing market, cannot continue to pick up the slack when the state retreats from its obligations. Unfunded and underfunded state mandates/commitments and "cost shifting" by the state reduce the ability, especially in our rural localities, to meet local needs, and often force our citizens to bear local tax and fee increases to pay for programs and services. Service cuts will have a direct and harmful effect on the lives and well-being of our citizens who expect, rely and need programs in critical areas such as education, safety

and human services. In addition, increased demand for services primarily funded at the local level present unique challenges to rural, urban and fast-growing localities alike (all present in our region).

We believe that any changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority. The legislature should broaden the revenue sources available to local governments, rather than capping, removing or restricting them. The state should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy, if governing bodies are to provide cost-effective services. This includes the processes for setting real estate tax rates and developing and approving budgets, which are integrated processes that are effective in involving the public and ensuring efficient tax administration.

## PUBLIC EDUCATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the legislature to fully fund the state share of the realistic costs of rebenchmarking the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities.**

The state spends roughly \$6 billion/year on public education, about one-third of its general fund budget. This funding was reduced by more than \$600 million (from \$6.3 billion to \$5.7 billion) during the past legislative session, and despite increased cost pressures, public education funding is a prime target for cutting again. Stimulus dollars that helped offset some education reductions this past session again will be plugged into the FY11 budget, but will not be available in FY12. Meanwhile, local governments boost education funding by spending \$3 billion more per year than required by the state.

The state should resist changes during the upcoming rebenchmarking of education costs that would require localities to fund a greater share of those costs. The state should not continue the cap on state funding for education support personnel that was enacted for FY10, and should defeat proposals that would recalculate personnel salaries by recognizing only state (and not also local) costs, that increase the federal revenue deduction (which saves the state money increases required local costs), and that reduce the current 55% state share of SOQ costs. State funding should be realistic and recognize actual educational needs, practices and costs; otherwise, more of the education funding burden will fall on local real estate taxes. We also support establishment of a mechanism for local appeal of the calculated Local Composite Index (LCI) to the state; changes to the LCI that negatively impact a locality also drive up local taxes.

The state budgeted teacher salary figure (on which it bases its share of teacher costs) trails the statewide and national averages. Teacher pay comprises the majority of K-12 expenditures, and local market conditions dictate the level of pay required to recruit and retain quality teachers. Accordingly, localities in our region should be included in the "Cost of Competing Adjustment" now available only to various localities primarily in Northern Virginia. This would help our localities to reach and maintain competitive compensation. Likewise, to help recruit, develop and retain a highly qualified and diverse teacher workforce, the state also should not eliminate or decrease state funding for benefits for school employees.

Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The state should resist its customary seizing of dollars from the Literary Fund to pay state costs for teacher retirement. We also support an increase in the maximum amount of Literary Fund loans from the current \$7.5 million.

## LAND USE and GROWTH MANAGEMENT

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

Recent years have seen an increase in both mandated and optional land use provisions applicable to local governments to address growth issues. Still, current land use authority often is inadequate to allow local governments to provide for balanced, sustainable growth in a manner that protects and improves quality of life.

The Joint Subcommittee Studying Development and Land Use Tools has renewed discussion of two issues that garnered great attention the past several years. The group is taking another stab at crafting legislation to replace cash proffers with impact fees for roads, schools and public safety facilities. Two years ago, amidst opposition from local governments, the General Assembly defeated a measure to repeal local authority to accept voluntary cash proffers from new residential projects, while revising existing impact fee authority and capping the amount of impact fees a locality could impose. The group also has debated revising the existing urban development area (UDA) provisions adopted two years ago as part of the 2007 Transportation Act, proposing to establish separate tiers, by population, of UDA requirements.

We support efforts to have impact fee and proffer systems that are workable and meaningful for various parties, but we oppose attempts to weaken our current proffer authority. Rather, the road impact fee authority adopted in 2007 should be revised to include additional localities and to provide: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

Further, to enhance our ability to pay for infrastructure costs and to support services associated with new developments, we endorse the following:

- Authority for local ordinances for determining whether public facilities are adequate (“adequate public facility,” or APF ordinances)
- Optional cluster development as a land use tool for local governments.

We support 1) dedicated funding through both the Virginia Outdoors and Virginia Land Conservation Foundations for acquiring, preserving and maintaining open space, 2) full authority to generate local dollars for such efforts, and 3) additional incentives for citizens to create conservation easements. We request the state, on a local option basis, increase from five years, the roll-back taxes assessed against property under land use taxation that changes to a non-qualifying use to an amount equal to the sum of the deferred tax for each of the 10 most recent complete tax years. Finally, we support authority for localities to enact scenic protection and tourist enhancement districts.

## TRANSPORTATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams for our transportation infrastructure. The state also should not shift road maintenance and construction responsibilities to localities.**

The need to fund a declining transportation infrastructure is dire and state dollars remain inadequate. Local governments need sustainable, dedicated, non-general funds from the state to support our transportation network. Absent such an investment, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents.

This past summer, the Commonwealth Transportation Board approved a six-year improvement program for FY10-15 that includes \$5.5 billion for highway construction and \$2 billion for rail and public transportation, for a total package of \$7.5 billion. Compared to the program adopted two years ago (the FY08-13 plan), the highway construction budget for FY10-15 is \$3.1 billion or 36% less. State formula distributions for unpaved roads and primary/urban/secondary construction have been eliminated. Hundreds of millions of dollars continue to be transferred from construction to maintenance to cover the maintenance shortfall, a figure that will grow as revenues coming into the state's transportation coffers continue to slow. Uncertainty about federal transportation revenue and the federal transportation reauthorization; declining state revenues; and the ability of the state to match federal funds and to float bonds for road projects loom as big question marks for the future.

The state should direct its funding efforts at all transportation modes both statewide and regionally, targeting investments toward solutions that put money to work on new ideas and in tandem with leveraging private investment. It should account for urban area needs where public transportation is important, the increasing traffic demands placed on fast-growing localities and ongoing improvements necessary on rural, secondary roads. These improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of local comprehensive, land use and trail/bicycle plans, as well as regional transportation plans, when planning transportation systems within a locality. Finally, we request legislative support for enabling authority to establish mechanisms for funding transit and non-transit projects in the region, and we support Code changes to allow unpaved secondary road funds to be allocated for other secondary projects without penalizing the locality by reducing the amount of such funds in future years.

**COMPREHENSIVE SERVICES ACT**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government.**

Since the inception of the Comprehensive Services Act in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. State and local costs of residential and non-residential mandated services continued to increase; from 2007 to 2008, CSA pool expenditures for state and local governments rose 11% (from \$342 million to \$380 million). Costs also have been difficult to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, and availability of alternative funding). In addition, localities pay the overwhelming majority (90%) of costs to administer CSA, as the state has increased administrative responsibilities, but not administrative funding dollars to localities.

We support the following: 1) full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need; 2) a state cap on local expenditures in order to combat higher local costs for serving mandated children, costs which often are driven by unanticipated placements in a locality; and 3) increased state funding for CSA administrative costs. We believe that the categories of populations mandated for services should not be expanded unless the state pays all the costs. We also urge the state to be proactive in making residential facilities and service providers available, especially in rural areas.

In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process,



improve vendor accountability and control costs. We encourage the state to consider penalties for individuals who have had children removed from their care due to abuse or neglect. We also support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Local governments remained concerned about possible fiscal impacts of changes in match rates for certain services funded through CSA. The FY09/FY10 budget modified the local share of funding for community and residential services on a “phased-in” basis, by lowering the local share for community-based services as an incentive to serve children who can be appropriately cared for in the community, and increasing the local share for residential services. Approved definitions did not include some services provided in the community, and therefore they will not qualify for a lower local match.

## AREAS OF CONTINUING CONCERN

### ECONOMIC and WORKFORCE DEVELOPMENT

The Planning District’s member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic and workforce development and the state’s efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs.

- We support the governor’s Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and emphasizes regional cooperation in economic, workforce and tourism development, includes new tools for local governments to use in attracting economic development opportunities.
- We support enhanced funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support enhanced state funding for the Industrial Site Development Fund, the Governor’s Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products.
- We appreciate and encourage continuing state incentives and support for expanding expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

### ENVIRONMENTAL QUALITY

The Planning District’s member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state’s impaired waterways, while ensuring

that system design standards remain compatible with any new state requirements. The state also should explore alternative means of preventing and remediating water pollution.

- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.
- We support legislative and regulatory action to ensure that alternative on-site sewage systems (AOSS) will be operated and maintained in a manner that protects public health and the environment.
- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state's water supply planning efforts should continue to involve local governments.
- The state should expand the list of localities that may, by ordinance, require conservation of trees during the development process.
- We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

## HEALTH and HUMAN SERVICES

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has produced a nearly 50% drop in Department of Juvenile Justice commitments since 1998. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support funding for mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- We support sufficient state funding for local social services facilities and for local departments to maintain adequate office space to deliver services. We also request that the state provide funds for staffing local social services departments to 1) determine eligibility for residents seeking social services such as Medicaid, food stamps and Temporary Assistance to Needy Families (TANF), and 2) meet child and family services review goals. We also support state assistance for providing pre-admission screening services for nursing homes and for prompt investigation and services in cases involving abuse, neglect or exploitation of the elderly or disabled. We support the provision of sufficient state funding to match all available federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.

- We support continued state funding for local Disability Services Boards, as well as restored state dollars for the Rehabilitative Services Incentive Fund.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, the Child Health Partnership and Healthy Families programs.
- The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

**HOUSING**

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support changes to the Code to allow 1) local flexibility in the operation of affordable housing programs, 2) for creation of a state housing trust fund, 3) establishment of affordable dwelling unit ordinances, 4) the award of grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

**PUBLIC SAFETY**

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation, as local governments have continued to provide much supplemental funding for constitutional officer budgets.

- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), drug courts and the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- The state should continue to allow exemptions from the federal prisoner offset and maintain the per diem payment to localities for housing state-responsible prisoners.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.
- We urge local involvement in planning processes for homeland security measures.
- We support state funding to develop supervised visitation centers to protect children during visitation with non-custodial parents, when ordered by a court.

## LOCAL GOVERNMENT STRUCTURE and LAWS

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We support legislation to enhance the ability of local governments to provide services required by citizens and to meet their responsibilities in state/local partnerships. Accordingly, we support a requirement for state agencies to notify localities of planned construction projects that may affect the locality's comprehensive plan.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.
- We support local requests to the state for enabling legislation to increase the income and financial worth limitations for real property tax exemption or deferral programs.
- We encourage clarification of Code provisions that stipulate law enforcement responsibilities when transporting persons for whom a temporary detention order has been issued for emergency medical treatment or evaluation.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The legislature should adopt legislation to clarify that local government entities are not obligated under the Underground Utility Damage Prevention Act to mark private water, sewer and other lines on private property or lines it does not own or operate.
- ~~We support legislative changes to enable the manufacture and sale of products from Eades Distillery in Nelson County.~~
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We support authorization for localities to make donations to nonprofit entities engaged in providing energy efficiency services or promoting energy efficiency.

**ORDINANCE NO. 09-4(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS, DIVISION 1, IN GENERAL, 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 4, Dogs and fowl, Article II, Dogs, Division 1, In General, is hereby amended and reordained as follows:

**By Amending:**

Sec. 4-200 Running at large prohibited

**ARTICLE II. DOGS**

State law reference--Va. Code §§ 3.2-6500 et.seq.

**DIVISION 1. IN GENERAL**

**4-200 Running at large prohibited.**

A. Dogs shall not run at large in the county except in those areas zoned Rural Areas District; however, running at large in areas zoned Rural Areas District is prohibited in the following designated areas:

(1) University of Virginia grounds lying within the county. (7-19-73)

(2) Crozet areas:

(a) Crozet areas, beginning at the point of intersection of Buck Road, State Route 789 and Railroad Avenue, State Route 788; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 51; thence, in a northeasterly direction along the western boundary of Tax Map 55, Parcels 51 and 51A, to the point of intersection with Tax Map, 55 Parcel 50; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 50 to the point of intersection with Tax Map 55, Parcel 49; thence, in a northeasterly direction along the western boundary of Tax Map 55, Parcel 49 to the point of intersection with Tax Map 56, Parcel 1; thence, in a northwesterly direction along the western boundaries of Tax Map 56, Parcel 1 and Tax Map 55, Parcel 47, and following the boundary of Tax Map 55, Parcel 47 in a northeasterly direction to the point of intersection with Tax Map 55, Parcel 48; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 48 and then following the western boundary of Tax Map 55, Parcel 48 in a northeasterly direction and continuing in a northeasterly direction along the western boundaries of Tax Map 56, Parcels 1B, 3 and 5E, to the point of intersection with the Sunrise Acres subdivision (Tax Map 40A), thence, with Sunrise Acres in a clockwise direction to the intersection with the centerline of White Hall Road, State Route 810; thence, in a southwesterly and southeasterly direction with State Route 810 to the intersection with Buck Road, State Route 789 and continuing along Buck Road, State Route 789 to the point of beginning.

(b) The real property commonly known as Claudius Crozet Park, comprised of the following tax map, sections and parcel numbers: Tax Map 56A2, Section 1, Parcel 72; Tax Map 56A2, Section 1, Parcel 72A; and Tax Map 56A2, Section 4, Parcel A4.

(c) Sunrise Acres Subdivision, as platted and recorded in the office of the clerk of the circuit court for the county, in Deed Book 367, page 312, and in Plat Book 367, pages 315 and 316.

(3) Country Green Apartments as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 453, page 553. (12-7-77)

(4) Waverly Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 697, page 382, and Deed Book 781, pages 267 to 271. (12-16-87)

(5) Whipporwill Hollow as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 643, pages 285 to 292, Deed Book 644, pages 269 and 270, Deed Book 646, pages 220

and 221, Deed Book 657, pages 789 and 790, Deed Book 659, pages 561 to 565, Deed Book 694, pages 544 and 545, and Deed Book 867, page 253. (12-16-87)

(6) Key West/Cedar Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 353, pages 193 to 197, Deed Book 365, page 202, Deed Book 371, page 474, Deed Book 388, page 514, Deed Book 393, page 417, Deed Book 410, page 577, Deed Book 420, page 259, Deed Book 505, page 607, Deed Book 530, page 351, Deed Book 543, page 114, Deed Book 661, page 44, Deed Book 692, page 453, and Deed Book 809, page 623. (9-7-88)

(7) North Pines Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 703, pages 742 to 744. (1-17-90)

(8) The Meadows in Crozet as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 651, page 149. (8-8-90)

(9) Milton Heights Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 343, page 64. (8-17-94)

(10) Shadwell Estates Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 339, page 458. (8-17-94)

(11) Thurston Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 637, page 456. (12-7-94)

(12) Lexington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 564, page 088. (3-12-97)

(13) Bedford Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 365, page 212. (12-2-98)

(14) Westmont Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1513, page 201, and Deed Book 1617, page 510. (5-3-00)

(15) Blue Springs Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1341, page 121.

(16) Farmington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 203, page 53, Deed Book 203, page 233, Deed Book 205, page 504, Deed Book 206, page 44, Deed Book 207, page 370, Deed Book 207, page 483, Deed Book 208, page 130, Deed Book 209, page 195, Deed Book 213, page 296, Deed Book 216, page 44, Deed Book 223, page 146, Deed Book 240, page 203, Deed Book 246, page 183, Deed Book 247, page 315, Deed Book 247, page 355, Deed Book 290, page 214, Deed Book 292, page 485, Deed Book 296, page 205, Deed Book 325, page 225, Deed Book 357, page 527, Deed Book 394, page 63, and Deed Book 463, page 72, together with all streets and roads abutting the lots depicted on the said plats.

(17) Section One of Corville Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 474, page 003.

(18) Montvue Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 328, pages 86 to 88, Deed Book 343, page 204, and Deed Book 359, page 585, and including Tax Map 60 Parcel 69C.

B. For the purposes of this section, a dog shall be deemed to “run at large” while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

C. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section.

D. Any dog observed or captured while unlawfully running at large shall be impounded in accordance with Article III, Impoundment, of this chapter.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09)

**State law reference**--Va. Code§ 3.2-6538.

**RESOLUTION – Route 29**

**Whereas**, the Route 29 Corridor is a major north-south link for through and local traffic. The Virginia Department of Transportation, in association with the Virginia Department of Rail and Public Transportation, the Commonwealth Transportation Board and various state and local elected officials, have initiated the Route 29 Corridor Study which covers approximately 219 miles of roadway between the North Carolina border and I-66 in Gainesville; and

**Whereas**, the goal of the study is to develop a Blueprint for the Route 29 Corridor that will guide future transportation improvements. The study is supposed to determine the transportation needs and identify recommendations to meet those needs while building on the commonalities of citizen concerns along the corridor. All recommendations should be context sensitive and sensitive to all environmental concerns, including historical and cultural resources; and

**Whereas**, the Albemarle County Board of Supervisors is in agreement with many of the concepts in the Corridor-Wide Recommendations, such as controlling access on Route 29, integration of land use and transportation planning, and enhanced transit, as reflected in its Comprehensive Plan, Long Range Transportation Plan, participation in the 29H250 Study, and commitment to integration of land use and transportation planning as reflected in Places 29 and other growth area adopted master plans; and

**Whereas**, the Board of Supervisors strongly opposes any of the extensions of Leonard Sandridge Road in the final Route 29 Corridor Report for the following reasons:

- the Southern interchange would still need to be built, an interchange or major intersection with Hydraulic Rd. would be required, and the cut through Stillhouse Mountain would still be necessary, so the cost would exceed \$100.0 million; and
- none of the proposed routes would likely qualify for federal funding and there is no possibility that any of these routes could be funded from the County's modest Secondary Road allocations; and
- the result of leaving these routes on the map in the final report would be to diminish property values and interfere with the lives of a number of citizens for an indefinite period of years to perpetuate lines on a map that will never become actual transportation projects. This would include residents living in the Canterbury Hills, Colthurst, Montvue, Georgetown Road, Hessian Hills, Old Forge, Terrell, Georgetown Green, Lambs Road, Ivy Ridge Road, Roslyn Heights, and Roslyn Ridge neighborhoods; and
- Route 1C would also impact two churches and take substantial acreage from the four school complex on Hydraulic Road; and
- the current best parallel road system we have to Route 29 is Georgetown Road to Hydraulic Road to Berkmar Drive. What is being suggested is to spend more than \$100.0 million to build a parallel road to the parallel road system that is functioning reasonably well; and
- there is no traffic study that even suggests that any of these proposed roads would take any substantial vehicle trips off of Route 29 or that they would even shorten travel time for people presently using Georgetown and Hydraulic Roads. There would be a significant wait to get the traffic onto Hydraulic Road; and
- for the cost of constructing any of the proposed extension roads, we could complete the widening of Route 29 from Hydraulic to the Route 250 Bypass, add the additional ramp at Best Buy onto the Route 250 Bypass, widen Route 29 from Polo Grounds Road to Hollymead and possibly have funds to build a grade separated interchange at Rio Road and Route 29. If the bypass right of way were sold, we would also have enough funds to build the Hillsdale Drive connector, which traffic studies show will take 8,000 to 10,000 vehicle trips per day off of Route 29 at its most congested point. These improvements have been traffic modeled, are included in



the area's Long Range Transportation Plan and will significantly improve the flow of traffic in the Route 29 Corridor; and

- the aforesaid projects can be done as funds are available; the "southern bypass" project is all or nothing. It can't be built incrementally; and
- a recommendation to "study" this issue would result in more money being diverted to a study that will go nowhere at a time that we have little or no transportation funds for actual projects; and
- the MPO removed the study of the "southern bypass" from the area's Long Range Transportation Plan, demonstrating that it has no local support. This vote was unanimous and included the VDOT representative on the MPO.

**Now, Therefore, Be It Resolved that,** the Albemarle County Board of Supervisors commends the consultants and VDOT for their work on the Route 29 Corridor Study; and

**Further Resolved that,** the Hillsdale Drive connector, the additional southbound lane on Route 29 from Hydraulic Road to the Route 250 Bypass (with the additional ramp lane) and the additional lanes on Route 29 between Polo Grounds Road and Hollymead be included in the report, as they are in the area's long range and six year transportation plans and have been demonstrated through traffic modeling to be cost effective ways of improving traffic flow and safety in the corridor; and

**Resolved that,** the Eastern Bypass Study Corridor generally follow Route 15 and avoid the Southwest Mountains and Keswick historic district areas; and

**Resolved that,** localities should not be required to include specific transportation projects in their comprehensive plans that are not approved by the locality and/or by the applicable MPO.