

ACTIONS
Board of Supervisors Meeting of December 1, 2010

December 3, 2010

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:05 a.m. by the Chair, Ann Mallek. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan, and Meagan Hoy. 	
<p>4. Recognitions.</p> <p>a. Proclamation recognizing Piedmont Baptist Church 140th Anniversary.</p> <ul style="list-style-type: none"> Pulled to be presented at later date. <p>b. Sally Thomas – VAPA Award.</p> <ul style="list-style-type: none"> Elaine Echols announced that in May 2010 the Virginia Chapter of the American Planning Association recognized Sally Thomas for the Local Elected Official Planning Leadership Award. Ms. Echols presented the award to Ms. Thomas. <p>c. 2010 Virginia Go Green Challenge.</p> <ul style="list-style-type: none"> Chair announced that the County received a gold level certification in the 2010 Go Green VA Challenge, which is part of the Virginia Municipal League's larger Go Green Virginia environmental initiative. Chair recognized County staff, particularly George Shadman and Sarah Temple in their leadership for the County's energy management efforts. <p>NonAgenda. Chair recognized the Charlottesville-Albemarle Rescue Squad for 50 years of service.</p>	(Attachment 1)
<p>5. From the Board: Matters not listed on the Agenda.</p> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> Asked the Board to consider appointing a Village of Rivanna Advisory Council. <p>CONSENSUS to schedule discussion on future agenda. Requested staff to prepare a report and recommendation.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> The MPO is going to Roanoke next week to present to the Commonwealth Transportation Board about transportation things they have done in the area, projects that are underway, plans for the Route 29 corridor, etc. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> The Fire and Rescue Ordinance committee continues to meet. Provided an update on his attendance last week the Commonwealth Council meeting. Commonwealth Drive has been white lined. Invited Board members to attend the Lewis and Clark groundbreaking ceremony on Thursday, December 9th at 4:00 p.m. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> Provided update on TJPDC meeting with 	<p><u>Clerk:</u> Schedule on future agenda.</p> <p><u>Lee Catlin:</u> Proceed as directed.</p>

legislators and discussion on TMDLs.

Ann Mallek:

- Encouraged Board members to consider serving on a VACo Committee.
- Provided an update on her meeting with Karen Kilby of VDoT. Board members have been provided with the Board of Supervisors Manual which contains VDoT's procedural information.
- The Artisan Trail has held its kickoff.
- Asked Board members to think about different ways to enhance the rural economy as they begin work on Comp Plan next year.

Karen Kilby commented/responded to the following items:

- There may be approximately \$500,000 available to spend on rural rustic roads.
- Anticipate receiving projections this month on allocations for the Six Year Plan and hope to set up a work session in early 2011.
- Georgetown Road project – VDoT has completed right-of-way acquisition and plan to go to advertisement in February 2011.
- Regarding additional VDoT funds, they have not been told officially where that money is going; hope to find out in the next month or two.
- Broomley Road bridge project – VDoT is in the process of working on the design to get to the plan stage. The plans will be designed in their District office. As soon as they get a design, she will bring John Giometti, the Location and Design Engineer, to the Board to discuss it.
- In terms of additional VDoT money found during an audit, the District has forwarded some surface treatment contracts that should be advertised shortly and another \$6.0 million in requests. The District has not been told how the \$200.0 million will be distributed, but it is ready to ask for its share. Currently the District is in the process of updating estimates, looking at projects that are not fully funded and making sure estimates and schedules are ready so that if they get the opportunity, they can move forward.
- In response to Mr. Boyd's question regarding when the Six Year Road Plan would be coming to the Board, Mr. Benish responded that the process gets initiated after VDoT gets its cost estimates. Staff is waiting for those numbers. Next week there will be a discussion of the review process.
- Mr. Rooker noted that the bid for the County's portion of the Meadow Creek Parkway came in less than estimated costs. He asked if any money remaining from the Counties account after the project is completed could be allocated to other projects. Ms. Kilby said they will not know that until approximately five

Clerk: Forward comments to Karen Kilby. Schedule on agenda quarterly to begin April 2011.

<p>months after the project is complete which is around Spring 2012. VDoT has 90 days to audit the books and pay the contractor final estimate, then the contractor has approximately 60 days to file claims. There may be an opportunity to transfer some funds after that time.</p> <ul style="list-style-type: none"> • Agreed to attend Board meetings on a quarterly basis. • Noted that the format for the Board's monthly VDoT report has changed to provide some additional information on maintenance, etc. Asked Board members to let her know if this works and/if there is a need for other changes. • Route 29 widening from Hydraulic Road to the Route 250 Bypass – although it is still funded, no work is currently being done. VDoT is working towards moving it forward. There is some City money that needs to go into the Best Buy ramp and VDoT is working with them on that. 	
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Tim Tolson</u>, member of the Crozet Library Team, urged the Board to support moving forward on the Crozet Library. • <u>Stacey Norris and Sharon Ackerman</u> spoke in support of appointing a staff-citizen committee to revise animal ordinances. • <u>Bill Schrader</u>, Chair of the Western Albemarle Crozet Library Fundraising Committee, spoke about the Committee's fundraising efforts and urged the Board to support moving forward on the Crozet Library Team recommendations. • <u>Liz Palmer</u> spoke about the Water Supply Plan and the DEQ's letter to the Chairs of the four Boards. • <u>John Martin</u>, a resident of Free Union, spoke about the DEQ's letter to the Chairs of the four Boards regarding the Water Supply Plan. 	
<p>7.2 Extension of term of the Albemarle County Service Authority to October 17, 2054.</p> <ul style="list-style-type: none"> • ADOPTED resolution to extend term of the Albemarle County Service Authority. 	<p>Clerk: Forward copy of signed resolution to County Attorney's office and Gary O'Connell, ACSA. (Attachment 2)</p>
<p>7.3 FY 2011 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the budget amendment in the amount of \$50,233.67 and APPROVED Appropriations #2011052, #2011053, #2011054, #2011055 and #2011056. 	<p>Clerk: Forward copy of signed appropriations to Finance, OMB and appropriate individuals.</p>
<p>7.4 Authorize the County Executive to sign a license agreement to allow the Church of Incarnation to erect a sign on County Property.</p> <ul style="list-style-type: none"> • AUTHORIZED County Executive to sign the license on behalf of the County to allow an off-premises sign on the County property located at the corner of Hillsdale Drive and Incarnation Drive. 	<p><u>County Attorney's office</u>: Provide Clerk's office with copy of fully executed agreement. (Attachment 3)</p>
<p>7.5 Authorize the Department of Fire & Rescue to</p>	<p><u>Dan Eggleston</u>: Proceed as approved.</p>

	<p>Overhire Up to Two Full-Time Firefighter/EMTs.</p> <ul style="list-style-type: none"> • AUTHORIZED ACFR to over-hire up to two additional firefighters over the current FTE staffing level. 	
7.6	<p>Proposed Redistricting Schedule and Preliminary Redistricting Guidelines.</p> <ul style="list-style-type: none"> • ADOPTED the proposed redistricting schedule and DIRECTED staff to proceed under the preliminary redistricting guidelines. Note: The guidelines will be reviewed again with the Board in February or March after staff has received and reviewed public comments on them. 	<p><u>Jake Washburne/Tex Weaver</u>: Proceed as approved. (Attachment 4)</p>
7.7	<p>Crozet Library Team Recommendations.</p> <ul style="list-style-type: none"> • AUTHORIZED staff to complete the design and construction drawings and to advance the project to a “bid ready” state, recognizing that if bidding and construction is delayed for an extended period of time additional design expense may be required to update the construction drawings. 	<p><u>Bill Letteri</u>: Proceed as approved.</p>
8.	<p>Public Hearing: 10-03() – Agricultural and Forestal Districts:</p> <ol style="list-style-type: none"> a. <u>AFD-2010-0009. Blue Run AFD – District Additions.</u> b. <u>AFD-2010-0018. Buck’s Elbow Mountain AFD – District Additions.</u> c. <u>AFD-2010-0015. Fox Mountain AFD – District Additions.</u> d. <u>AFD-2010-0013. Hardware AFD – District Additions.</u> e. <u>AFD-2010-0012. High Mowing AFD – District Review.</u> f. <u>AFD-2010-0014. Keswick AFD – District Additions.</u> g. <u>AFD-2010-0011. South Garden AFD – District Additions.</u> h. <u>AFD-2010-0017. Sugar Hollow AFD – District Additions.</u> <ul style="list-style-type: none"> • Mr. Rooker asked that in the future staff provide a County map showing the location of the agricultural districts. • ADOPTED, by a vote of 6:0, the proposed ordinance. 	<p><u>Clerk</u>: Forward copy of signed ordinance to County Attorney’s office and Community Development. Prepare letter for Chair’s signature. (Attachment 5)</p>
9.	<p>Public Hearing: CenturyLink Request for Easement Across Boulders Road.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the proposed easement and AUTHORIZED the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and in form by the County Attorney with any necessary changes and a recordable plat has been received from CenturyLink depicting the easement. 	<p><u>County Attorney’s office</u>: Provide Clerk with copy of fully executed document. (Attachment 6)</p>
10.	<p>Mental Health & Wellness Coalition.</p> <ul style="list-style-type: none"> • RECEIVED. 	
11.	<p>ECC’s functions and Emergency Preparedness.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>Clifton Lake PRD – Request to set public hearing</p>	

<p>to amend the Albemarle County Service Authority jurisdictional area boundary.</p> <ul style="list-style-type: none"> • DECLINED, by a vote of 6:0, a request to consider amending the ACSA jurisdictional area boundary for Clifton Lake PRD. 	
<p>13. Work Session: Solid Waste Services.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, staff's recommendations to: <ul style="list-style-type: none"> • Develop a draft contract for services in consultation with RSWA staff: <ul style="list-style-type: none"> • Based on level of service agreed upon in October, • Annual contract with provision for extension up to two years, • Assure services are provided to County residents and businesses, and • Specify split of any shared costs with City. • Bring draft contract to Board for consideration and incorporation into FY 12 budget. 	<p><u>Mark Graham/George Shadman:</u> Proceed as approved.</p>
<p>14. Work Session: <u>CPA-2005-010. Places29 Master Plan – Piney Mountain Expansion area.</u> (continued from November 10, 2010).</p> <ul style="list-style-type: none"> • CONSENSUS to postpone final action on Places29 until February 2011. • CONSENSUS to continue work session on January 5th with staff to provide changes discussed at public hearing, continue discussion on inclusion of Piney Mountain and decide whether to reconsider Hollymead South based on discussion following November 10th public hearing. 	<p><u>Clerk:</u> Schedule additional work session on January 5, 2011. Provide copy of minutes from November 10th public hearing for January discussion.</p>
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 1:12 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions. 	
<p>16. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 2:15 p.m. the Board reconvened and certified the closed meeting. 	
<p>17. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Alan Collier, Rivanna District, to the Equalization Board with said term to expire December 31, 2011. • APPOINTED David Cooke II, Jack Jouett District, to the Equalization Board with said term to expire December 31, 2011. • APPOINTED Virginia Gardner, White Hall District, to the Equalization Board with said term to expire December 31, 2011. • APPOINTED Rosa Hudson, Scottsville District, to the Equalization Board with said term to expire December 31, 2011. • APPOINTED Kathy Rash, Rio District, to the Equalization Board with said term to expire 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>

<p>December 31, 2011.</p> <ul style="list-style-type: none"> • APPOINTED John Lowry, Samuel Miller District, to the Equalization Board with said term to expire December 31, 2011. • APPOINTED Kirk Bowers, Kate Clapper, Dennis Dutterer, Wendy Fisher, and Joe Milby to the Pantops Community Advisory Council, with term limits to be determined at a later date. • REAPPOINTED Joseph Samuels and Ross Stevens to the ACE Appraisal Review Committee with said terms to expire December 31, 2011. • REAPPOINTED Charles Lebo and Paul Wright to the Architectural Review Board, with said terms to expire November 14, 2014. • REAPPOINTED Frances Hooper to the Community Mobility Committee, with said term to expire December 31, 2012. • REAPPOINTED Martha deJarnette to the Housing Committee with said term to expire December 31, 2013. • REAPPOINTED Glen Michael to the Public Recreational Facilities Authority with said term to expire December 13, 2013. 	
<p>18. Work Session: Five-Year Financial Plan.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the Five-Year Financial Plan (copy on file in Clerk's Office.) 	
<p>19. From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
<p>20. Adjourn to December 15, 2010, 4:00 p.m. Room 241.</p> <ul style="list-style-type: none"> • At 3:07 p.m., the meeting was adjourned. 	

ewj/mrh

- Attachment 1 – Proclamation recognizing the Charlottesville-Albemarle Rescue Squad
- Attachment 2 – Resolution to Extend the Term of the Albemarle County Service Authority
- Attachment 3 – Church of Incarnation Sign License Agreement
- Attachment 4 - Redistricting Schedule
- Attachment 5 – Ordinance 10-03(3) – Agricultural and Forestal Districts
- Attachment 6 - CenturyLink Deed of Easement

On behalf of the Albemarle County Board of Supervisors and the citizens, we would like to honor and recognize

The Charlottesville-Albemarle Rescue Squad (CARS)

WHEREAS, CARS provides primary rescue and emergency medical transport service to the City of Charlottesville, the University of Virginia and a large part of Albemarle County; and

WHEREAS, before CARS was founded in 1960, the only way a local citizen could get to a hospital was to call friends or a local funeral home that transported you to the hospital in a hearse. The Charlottesville Fire Department had an ambulance, but they only transported smoke inhalation victims; and

WHEREAS, in 1958, a building under demolition near Court Square collapsed suddenly, trapping a passer-by in the rubble. Joel Cochran and Ted Patterson, two citizens with first-aid training, rescued the man and decided that a local rescue squad was needed. They, and 36 other men and women formed the Albemarle Rescue Squad, later re-named the Charlottesville-Albemarle Rescue Squad, in 1959; and

WHEREAS, On November 15, 1960, CARS provided first-aid services to citizens of Charlottesville and Albemarle County with 42 members, a fund drive goal of \$20,000, and two carry-all van ambulances supplemented by three station wagons owned by squad members as backup. The first call run was on November 17, 1960, a pedestrian hit by a car; and

WHEREAS, today CARS is a volunteer rescue squad with over 200 active volunteers;

Now, Therefore, Be It Resolved, That, We, as a community, are grateful and strengthened by the contributions and commitment provided by CARS for our community's health and safety; and for the sacrifice of family time by the members for training and duty shifts whose dedication and service make Albemarle County a better place to live and work.

And Further Resolve That the Board of Supervisors congratulates CARS on 50 years of service and a special recognition to the Charter Members of CARS (some posthumously):

Fredell Bingler, James T. (Monk) Bingler, Roger Breeden, Meredith H. Clark, Jr., Joel Cochran, Fred O. Gammon, John E. Grinnell, Arthur C. Hedberg, John M. (Skip) Hopkinson, Thomas T. (Tiffany) Hopkinson, C. Elwood Johnson, J. Grayson Johnson, Raymond F. Loving, Jr. Donald E. Marion, William C. Mayo, Eugene M. McKinnon, Samuel E. Mimms, Robert H. Mincer Theodore (Ted) Murphy, John S. Pannell, Theodore (Pat) Patterson, Jr., Sylvia Lane Perkins Willie E. (Bill) Pittman, Jr., Catherine Proffitt, Charlie Rausch, Thomas H. Scott, Eileen Spenceley David V. Strider, MD, Edwin S. Toms, Joseph L. Trice, Ernest L. Tucker, Robert M. Turner William W. Waddell, III, Ethel Ware, Robert A. Wells, Jr., Samuel B. Wells, James Willis, Marjorie Willis.

**RESOLUTION
TO EXTEND THE TERM OF THE
ALBEMARLE COUNTY SERVICE AUTHORITY**

WHEREAS, the Albemarle County Service Authority was founded in April 1964 for a term of fifty (50) years; and

WHEREAS, by Resolution adopted on October 17, 1974, the Board of Supervisors of Albemarle County, Virginia extended the term of the Albemarle County Service Authority to October 17, 2024; and

WHEREAS, the Albemarle County Service Authority presently is in the process of issuing bonds for the North Fork Regional Pump Station Project, which bonds will have a term of payment extending beyond October 17, 2024, thus requiring the extension of the term of the Albemarle County Service Authority; and

WHEREAS, the Albemarle County Service Authority may have to issue in the near future additional bonds to pay for additional projects; and

WHEREAS, the Board of Directors of the Albemarle County Service Authority on October 21, 2010 unanimously adopted a Resolution requesting that the Board of Supervisors of Albemarle County, Virginia extend the life of the Albemarle County Service Authority to October 17, 2054.

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, pursuant to Section 15.2-5114(1) of the Code of Virginia, hereby extends the term of the Albemarle County Service Authority to October 17, 2054.

SIGN LICENSE AGREEMENT

This Sign License Agreement ("Agreement") is made by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter referred to as the "County"), the CATHOLIC DIOCESE OF RICHMOND (hereinafter referred to as the "Diocese"), and the CHURCH OF THE INCARNATION (hereinafter referred to as the "Parish").

The following recitals of fact are a material part of this Agreement:

- A. The County is the owner of a certain parcel of land in the County of Albemarle, Virginia, legally described as Albemarle County Parcel ID 061Z0-03-00-00900 (hereinafter referred to as the "Parcel").
- B. The Diocese and the Parish are legal entities of the Roman Catholic Church.
- C. In order to improve traffic safety, the County wishes to grant and the Diocese and the Parish wish to receive certain Licenses, in, upon, over and across the Parcel for the benefit of the Diocese and the Parish, their successors and assigns, all as more fully set forth below.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the public benefit to traffic safety, and other good and valuable consideration, the receipt of which are hereby acknowledged, the following grants, agreements and covenants are made:

1. **Grant of License.** The County hereby grants, gives and conveys to the Diocese and the Parish, and their successors and assigns, a revocable License over, across, under and through the "Sign Area" (hereinafter defined) to erect and maintain a sign in that area, and to permit the use of the Sign Area by the Diocese and the Parish for the other purposes stated in this grant of License.
2. **Location of Sign Area.** The location of the Sign Area shall be as shown on that certain plat by Kirk Hughes & Associates, dated November 13, 2009 and revised July 12, 2010, and titled "Plat Showing a Survey of: Sign Area on the Lands of County of Albemarle, Virginia as Shown Hereon," attached hereto and made a part hereof.
3. **Use of Sign Area.** The Diocese and the Parish shall have the right to use the Sign Area to erect, maintain, improve, enlarge or reduce, repair or replace a sign, whose size, design, and placement are subject to the County's approval.
4. **Repair and Maintenance.** The Diocese and the Parish shall maintain any sign either of them places in the Sign Area in good condition and repair at their sole cost and expense.
5. **Landscaping.** The Diocese and the Parish shall have the right (hereinafter referred to as the "Landscaping Option"), upon written notice to the County, to landscape, including, without limitation, the planting or removal of shrubs, bushes, plants and trees, within the Sign Area. The landscaping plan of the Diocese and/or the Parish shall be subject to the County's approval, which shall not be unreasonably withheld or delayed. Should the Diocese and/or the Parish exercise the Landscaping Option, the party or parties exercising said Option shall assume all obligations and responsibilities for the maintenance and upkeep of the landscaping within the Sign Area. Should the Diocese and the Parish not exercise the "Landscaping Option," the County shall retain all responsibility for maintenance and upkeep of the landscaping. The party responsible for the landscaping within the Sign Area shall keep the landscaping in good condition at all times at its sole cost and expense. The Diocese, the Parish, and the County acknowledge that the Diocese and the Parish, with the execution of this Agreement, exercise the Landscaping Option as to the Sign Area and assume all responsibility for the upkeep of the existing landscaping at the Sign Area. The Diocese and/or the Parish may revoke its/their exercise of the Landscaping

Option at any time and upon such revocation, all obligations and responsibilities for maintenance and upkeep of the landscaping shall revert to the County.

6. **Compliance with Laws.** The Diocese and the Parish shall comply with all applicable ordinances, statutes, regulations and all other local, state and federal laws applicable to the Sign Area and any sign it places thereon, including the maintenance and repair thereof.
7. **Termination of License.** Either the County, the Diocese, or the Parish may terminate this Agreement by delivering a written notice of termination to each of the other parties at their respective addresses listed in Section 10 below. Upon such notice of termination, the Diocese and the Parish shall promptly remove any sign(s) from the Sign Area, and shall restore the Sign Area as nearly as possible to its prior condition. Thereafter all rights, duties and liabilities hereby created shall terminate.
8. **Transfer By the County.** Whenever a transfer of ownership of the Parcel occurs, liability hereunder of the transferor for any breach of any covenant occurring thereafter shall automatically terminate with respect to such transferor, and the transferee shall automatically assume the burdens and obligations running hereunder to the owner of the Parcel which shall accrue from and after the date of such transfer.
9. **Construction.** The rule of strict construction does not apply to this grant. This grant shall be given a reasonable construction so that the intention of the parties to confer a commercially usable right of enjoyment for the benefit of the Diocese and the Parish is carried out.
10. **Notices.** All notices and other communications given pursuant to this Agreement shall be in writing and shall be deemed properly served if delivered in person to the party to whom it is addressed or on the third (3rd) day after deposit in the U.S. mail, as registered or certified mail, return receipt requested, postage prepaid, as follows:
 1. If to the County:
County of Albemarle
c/o County Attorney
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902
 2. If to The Diocese:
Catholic Diocese of Richmond
7800 Carousel Lane
Richmond, VA 23294-4201
 3. If to the Parish:
Church of the Incarnation
1465 Incarnation Drive
Charlottesville, Virginia 22901
11. **No Assignment By the Diocese or the Parish.** Neither the Diocese nor the Parish may transfer or otherwise assign any of its rights or interest granted under this Agreement, and any purported assignment shall be null and void and shall entitle the County to terminate this Agreement and the License hereby granted.
12. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the County, the Diocese, and the Parish have executed this Agreement as of the 2nd day of December, 2010.

DIOCESE: CATHOLIC DIOCESE OF RICHMOND

By: _____
Most Reverend Francis X. DiLorenzo, Bishop

PARISH: CHURCH OF THE INCARNATION

By: _____
Fr. Gregory Kandt, Pastor

This Agreement is executed on behalf of the County of Albemarle by Robert W. Tucker, Jr., County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY: COUNTY OF ALBEMARLE, VIRGINIA

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

Proposed Redistricting Schedule

- December 1, 2010** Schedule and Guidelines: Staff will request the Board's approval of the proposed redistricting schedule and the Board will have a discussion and provide direction to staff to proceed with the preliminary redistricting guidelines.
- January 21, 2011** Public Meeting: By this date, County staff will conduct a public meeting to obtain input from community organizations and the general public on redistricting issues and the preliminary redistricting guidelines. This meeting will be publicized and advertised to reach those interested organizations and the public.
- February 9, 2011** Staff Report on Public Meeting; Approval of Guidelines: Staff will report to the Board on the comments received from community organizations and the general public at the public meeting regarding redistricting issues and the preliminary redistricting guidelines. The Board of Supervisors will be asked to approve final redistricting guidelines and direct staff to proceed with redistricting work.
- April 6, 2011** Tentative Work Session: If census data has been received and staff has had sufficient time prior to this date to develop a proposed redistricting plan, the Board will hold a work session on the proposed redistricting plan.
- April 13, 2011** Work Session: The Board will hold a work session on the proposed redistricting plan, if necessary, because of a delay in receiving census data or if the first work session was held the prior week and there are unresolved issues.
- May 4 or 11, 2011** Public Hearing on Plans and Ordinance: The Board will hold a public hearing and adopt the 2011 redistricting ordinance.
- May, 2011** Submittal Under Voting Rights Act: After the Board has adopted the 2011 redistricting ordinance, staff will submit the ordinance to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.
- Note:** The proposed work session and public hearing dates are tentative and for planning purposes only. Adherence to these dates will depend on the date the County receives the census data upon which the redistricting plan will be based. Staff may develop more than one proposed redistricting plan for the Board's consideration.

ORDINANCE NO. 10-03(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

- Sec. 3-208 Blue Run Agricultural and Forestal District.
- Sec. 3-209.5 Buck's Elbow Mountain Agricultural and Forestal District.
- Sec. 3-212.5 Fox Mountain Agricultural and Forestal District.
- Sec. 3-214 Hardware Agricultural and Forestal District.
- Sec. 3-216 High Mowing Agricultural and Forestal District.
- Sec. 3-219 Keswick Agricultural and Forestal District.
- Sec. 3-225.5 South Garden Agricultural and Forestal District.
- Sec. 3-226 Sugar Hollow Agricultural and Forestal District.

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

DIVISION 2. DISTRICTS

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 41A, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 43, 45B, 47, 47A, 47B; tax map 51, parcel 13. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on July 10, 2002 to continue for not more than 10 years, shall next be reviewed prior to July 10, 2012.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09)

Sec. 3-209.5 Buck's Elbow Mountain Agricultural and Forestal District.

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcel 1; tax map 38, parcels 4, 7, 8, 10, 20; tax map 39, parcels 1, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21Z. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09)

Sec. 3-212.5 Fox Mountain Agricultural and Forestal District.

The district known as the "Fox Mountain Agricultural and Forestal District" consists of the following described properties: Tax Map 14, parcels 26A, 26B, 26C; tax map 15, parcels 1, 10A. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

Sec. 3-214 Hardware Agricultural and Forestal District.

The district known as the "Hardware Agricultural and Forestal District" consists of the following described properties: Tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

Sec. 3-216 High Mowing Agricultural and Forestal District.

The district known as the "High Mowing Agricultural and Forestal District" consists of the following described properties: Tax map 84, parcel 69A; tax map 85, parcels 39, 39H, 41A, 41A1. This district, created on January 16, 1991 for not more than 10 years and last reviewed on December 1, 2010, shall next be reviewed prior to December 1, 2020.

(Code 1988, § 2.1-4(t); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 09-3(4), 12-2-09)

Sec. 3-219 Keswick Agricultural and Forestal District.

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E; tax map 63, parcels 39, 39A, 39B, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14; tax map 65, parcels 13, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 182A, 183, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 15A6, 15B, 63. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 3, 2004, shall next be reviewed prior to November 3, 2014.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09)

Sec. 3-225.5 South Garden Agricultural and Forestal District.

The district known as the "South Garden Agricultural and Forestal District" consists of the following described properties: Tax map 99, parcels 35, 102; tax map 109, parcel 70; tax map 110, parcels 8, 10, 18, 18E, 27; tax map 119, parcel 2. This district, created on October 6, 1999 for not more than 7 years, since amended at its last review on October 4, 2006 to continue for not more than 10 years, shall next be reviewed prior to October 4, 2016.

(Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-4-06; Ord. 09-3(4), 12-2-09)

Sec. 3-226 Sugar Hollow Agricultural and Forestal District.

The district known as the "Sugar Hollow Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28; tax map 26, parcels 5A, 10, 10B, 10D, 10F, 11C, 11D, 12A, 13, 14F, 14H, 19, 40B, 40C, 41A, 52, 52D; tax map 27, parcels 8, 8E (part), 24A, 25, 26; tax map 39, parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A; tax map 40, parcels 1, 9, 9C, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09)

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map and Parcel Number 03200-00-00-005C3 (Boulders Road right-of-way)

This deed is exempt from taxation under Virginia Code § 58.1-811(C)(4).

DEED OF EASEMENT

THIS DEED OF EASEMENT, is made and entered into on this _____ day of _____, 2010, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and **CENTRAL TELEPHONE COMPANY OF VIRGINIA**, doing business as **CENTURYLINK**, whose address is 100 Century Link Drive, Monroe, Louisiana, 71203, Grantee, hereinafter referred to as "CenturyLink."

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY to CenturyLink, subject to the terms and conditions set forth herein, a permanent easement and right-of-way (hereinafter, the "Easement") to install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures as are reasonably necessary for CenturyLink to exercise the rights granted to it herein, upon, over, through, under and along the real property of the County known as Boulders Road and identified in the tax records of the County as Tax Map and Parcel Number 00320-00-00-005C3, in Albemarle County, Virginia, and more particularly described as follows:

A permanent easement in the public right-of-way known as Boulders Road in Albemarle County, Virginia, as shown on the plat of _____, dated _____, entitled "Plat Showing New 10' Underground Cable Easement to be Conveyed to CenturyLink" (hereinafter referred to as the "Plat").

Reference is made to the Plat, a copy of which is attached hereto to be recorded herewith, for the exact location and dimensions of the permanent easement hereby granted and the property over which the Easement crosses.

This Easement shall be subject to the following:

1. Location of Improvements. CenturyLink may install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures (hereinafter, the "Improvements") only within the Easement. The Improvements shall be underground.
2. Right to Enter; Ingress and Egress. CenturyLink shall have the right to enter upon the Easement for the purposes of installing, constructing, operating, maintaining, expanding, replacing and removing the Improvements within the Easement. CenturyLink shall have the right of ingress and egress thereto as reasonably necessary to install, construct, operate, maintain, expand, replace and remove the Improvements.
3. Excavation and Restoration. Whenever it is necessary to excavate earth within the Easement, CenturyLink shall backfill the excavation in a timely, proper and workmanlike manner so as to restore the surface conditions to the same condition as they were prior to excavation, including restoration of all paved surfaces that were damaged or disturbed as part of the excavation.
4. Vegetation and Obstructions. CenturyLink may cut any trees, brush and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide for safe installation,

construction, operation, maintenance, expansion, replacement and removal of the Improvements. CenturyLink shall not be responsible to the County or its successors and assigns, to replace or reimburse the cost of replacing or repairing any County-owned trees, brush, shrubbery or obstructions that are removed or otherwise damaged if such vegetation or obstructions prevent CenturyLink from installing, constructing, operating, maintaining, expanding, replacing or removing the Improvements.

5. Ownership of Improvements. The Improvements shall be the property of CenturyLink.

6. Obligations of CenturyLink if and when Boulders Road is Proposed for Acceptance or is Accepted into the State-Maintained System. If and when the segment of Boulders Road in which the Easement lies is proposed for acceptance or is accepted into the state-maintained or other publicly-maintained system of highways, CenturyLink shall comply with the following:

a. Permits. CenturyLink shall obtain all permits required by the Virginia Department of Transportation (hereinafter, "VDOT") or such other public entity that becomes responsible for the maintenance of Boulders Road (hereinafter, "such other public entity") to authorize the Improvements to exist or remain within the Boulders Road right-of-way (hereinafter, the "Permits") and shall comply with all applicable requirements of VDOT or such other public entity.

b. Acts Required of CenturyLink to Assure Acceptance of Boulders Road into the State-Maintained System. Until CenturyLink quitclaims its interest in the Easement to VDOT, such other public entity, or the County as required in conjunction with the acceptance of Boulders Road into the state-maintained or other publicly-maintained system, CenturyLink, at its sole expense, shall, promptly alter, change, adjust, relocate or remove the Improvements from the Boulders Road right-of-way if VDOT or such other public entity determines that such alteration, change, adjustment, relocation or removal is required in order for VDOT or such other public entity to accept Boulders Road into the secondary system. Neither VDOT, such other public entity, nor the County shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with such alteration, change, adjustment, relocation or removal of the then-existing Improvements. In addition, neither VDOT, such other public entity, nor the County shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements or Boulders Road resulting from such alteration, change, adjustment, relocation or removal.

c. Continuing Obligations of CenturyLink to the County. After VDOT or such other public entity has issued the required Permits, CenturyLink shall be subject to the following conditions, notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of CenturyLink:

1. CenturyLink, to the extent authorized by law, shall at all times indemnify and save harmless the County, its employees, agents, officers, assigns, and successors in interest from any claim whatsoever arising from CenturyLink's exercise of rights or privileges stated herein.

2. In the event that the County or such other public entity becomes responsible for the maintenance of Boulders Road and the County or such other public entity requires, for its purposes, that CenturyLink alter, change, adjust, or relocate the Improvements, across or under Boulders Road, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of CenturyLink. Neither the County nor such other public entity shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the County nor such other public entity shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if VDOT, such other public entity, or the County is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on December 1, 2010, does hereby convey the interest in real estate made by this deed.

By its acceptance and recordation of this Deed of Easement, CenturyLink acknowledges that it, its successors and assigns, shall be bound by the terms herein.

WITNESS the following signatures.

GRANTOR:

COUNTY OF ALBEMARLE, VIRGINIA

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

GRANTEE:

**CENTRAL TELEPHONE COMPANY OF VIRGINIA, doing
business as CENTURYLINK**

By: _____
Name: _____
Title: _____