

ACTIONS
Board of Supervisors Meeting of January 4, 2012

January 9, 2012

<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 9:00 a.m. by the County Executive, Mr. Foley. All BOS members were present. Also present were Larry Davis and Ella Jordan. 	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Moved to 11a 	
<p>5. Election of Chairman.</p> <ul style="list-style-type: none"> By a vote of 3:3 (Dumler/Mallek/Rooker), the nomination to elect Duane Snow as Chairman for Calendar Year 2012 failed. Motion to elect Duane Snow as Chairman, Christopher Dumler as Vice-Chairman, Rodney Thomas as a representative on the MPO and Ann Mallek as a representative on the MPO failed by a vote of 3:3 (Boyd/Snow/Thomas). Mr. Foley closed the nominations process and stated that due to the failure to elect a new Chairman, and according to the County Attorney, the most recently elected Chairman continues as Chairman. Ms. Mallek took over as Chairman. 	
<p>6. Election of Vice-Chairman.</p> <ul style="list-style-type: none"> By a vote of 4:2 (Boyd/Thomas), ELECTED Duane Snow as Vice-Chairman for Calendar Year 2012. 	
<p>7. Appointment of Clerk.</p> <ul style="list-style-type: none"> By a vote of 6:0, REAPPOINTED Ella Jordan as Clerk for Calendar Year 2012. 	
<p>8. Set Meeting Times, Dates and Places for Calendar Year 2012.</p> <ul style="list-style-type: none"> By a vote of 6:0, SET as follows: first Wednesday of the month at 9:00 a.m., second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road. Due to July 4th being a County holiday, set July 11th as the day meeting and July 18th as the night meeting for July. Set the meeting dates for January 2013 for: January 9 – 9:00 a.m., and January 16 – 6:00 p.m. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> and post notice on door of Lane Auditorium.</p>
<p>9. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.</p> <ul style="list-style-type: none"> By a vote of 6:0, SET as follows: September 12 and December 12, 2012 and March 13, and June 12, 2013. 	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> as required by Section 33.10.2 of the Zoning Ordinance.</p>
<p>10. Rules of Procedures, Adoption of.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED as amended. 	<p><u>Clerk:</u> Forward copy to County Attorney and Community Development. (Attachment 1)</p>
<p>11. Boards and Commissions Policy, Adoption of.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED. 	<p><u>Clerk:</u> Forward copy to County Attorney. (Attachment 2)</p>
<p>11a. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Mr. Boyd asked that the Board move Agenda Item No. 24 to follow Agenda Item No. 13. Ms. Mallek added to the agenda a Resolution 	

	<p>to Support Legislation, regarding land exchange with Habitat for Humanity.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the final agenda. 	
12a.	<p>Governor's recognition of the Albemarle/ Charlottesville Reentry Council.</p> <ul style="list-style-type: none"> • Chair made presentation to Kathy Ralston. 	
13.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Forrest Marshall and Donna Marshall</u> spoke in support of and thanked the Board for the proposed resolution to rename the Meadow Creek Parkway the John W. Warner Parkway. • <u>The following individuals spoke in support of the CACVB plan for use of its accumulated fund balance:</u> <ul style="list-style-type: none"> • Joey Worley • Kathryn Bundy • Carolyn Polson • Bob Goss • Dick Cabell • Naresh Naran • Mitch Willey • Eric Pfister • Yolunda Armstrong • Mark Milleson • Charles Friend • Timothy Hulbert • <u>Bill Akers</u> expressed concerns about the public degrading the Route 20 Visitors Center site during non-operating hours due to no public bathrooms facilities. • <u>Samantha Marshall, Burgundy Draper and Keenan Krantz</u>, students from Monticello High School, presented information on their CAP project dealing with cell phone towers being built near County schools. • <u>Anton Lارجيادر</u> expressed concerns about the renaming of the Meadow Creek Parkway to the John W. Warner Parkway. 	
24.	<p>Resolution to Name the County's portion of the Meadow Creek Parkway.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, resolution. 	<p><u>Clerk:</u> Forward resolution to David Crim, of VDoT, with copy to County Attorney. (Attachment 3)</p>
	<p>Recess. At 10:54 a.m., the Board recessed, and then reconvened at 11:02 a.m.</p>	
14.2	<p>FY 2012 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the budget amendment in the amount of \$456,542.66 and APPROVED Appropriations #2012046, #2012047, #2012048, and #2012049. 	<p><u>Clerk:</u> Forward copy of signed appropriation forms to Finance, OMB and appropriate individuals.</p>
14.3	<p>Update on Options Regarding Audio Streaming of Board of Supervisors Meetings.</p> <ul style="list-style-type: none"> • APPROVED staff's recommendation that the County initiate an ad supported audio stream of Board meetings on the U Stream channel for a four month trial period in order to assess listener levels and potential advertising concerns to determine the best long term solution to meet the Board's desire to provide live audio streaming. 	<p><u>Clerk:</u> Proceed as approved.</p>

14.4	Resolution of Intent to Amend and Clarify the Criteria for Issuance of a Special Use Permit for Off-Site Signs. <ul style="list-style-type: none"> • ADOPTED the attached Resolution. 	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's Office and Community Development. (Attachment 4)
14.5	Interoperable Emergency Communications Planning Grant (CFDA #97.055) (IECPG – 2009). <ul style="list-style-type: none"> • ADOPTED the attached Resolution authorizing the ECC Director or the County Executive to execute all grant-in-aid documents associated with this effort. 	<u>Clerk:</u> Forward copy of signed resolution to ECC. (Attachment 5)
14.6	Amendments to 2012 Legislative Priorities. <ul style="list-style-type: none"> • APPROVED the proposed amendments to its 2012 Legislative Priorities. 	<u>Clerk:</u> Forward to David Blount. (Attachment 6)
14.8	Board-to-Board, January 2012, <i>A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</i> <ul style="list-style-type: none"> • Mr. Boyd asked for information on the Monticello High School Health and Medical Sciences Academy, i.e., budgetary impact, how it relates to other nursing programs in the area. 	<u>Clerk:</u> Forward to School system for followup.
15.	<u>Pb Hrg: Virginia Community Development Block Grant Program.</u> <ul style="list-style-type: none"> • SET, by a vote of 6:0, second public hearing for Wednesday, March 14, 2012 for the second required public hearing to review and approve the submission of any proposed applications. • Mr. Rooker asked that, when this comes back to the Board, staff provide a description of the scope and scale of projects and categories of areas that qualify for Community Development Block Grants. 	<u>Clerk:</u> Schedule and advertise public hearing. <u>Ron White:</u> Provide information as requested.
16.	Charlottesville Albemarle Convention and Visitors Bureau Marketing Plan Update. <ul style="list-style-type: none"> • RECEIVED. • Board requested additional updates. 	<u>Clerk:</u> Schedule update on agenda when ready to come back.
17.	Albemarle County Service Authority Quarterly Update, Gary O'Connell, Executive Director. <ul style="list-style-type: none"> • RECEIVED. • Mr. Rooker asked for a hookup fee comparison between Albemarle and other localities. 	
18.	Rivanna Water and Sewer Authority Quarterly Update, Tom Frederick, Executive Director. <ul style="list-style-type: none"> • RECEIVED. 	
20.	Department of Forestry Annual Report, Erik Filep. <ul style="list-style-type: none"> • RECEIVED. 	
21.	Closed Session. Personnel and Legal Matters. <ul style="list-style-type: none"> • At 11:28 a.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, and under subsection (7) to discuss with legal counsel and staff a specific legal matter regarding tax exempt property. 	
22.	Certified Closed Meeting. <ul style="list-style-type: none"> • At 2:26 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
23.	Boards and Commissions: Appointments. <ul style="list-style-type: none"> • REAPPOINTED Ross Stevens to the ACE Appraisal Review Committee, with said term to 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

expire December 31, 2012.

- **REPOINTED** Bill Kittrell, as the White Hall District representative, and Clarence Roberts, as the Rivanna District representative, to the Albemarle County Service Authority Board of Directors, with said terms to expire December 31, 2015.
- **APPOINTED** Timothy O'Brien to the Charlottesville-Albemarle Regional Transportation Advisory Committee (CHART), with said term to expire April 3, 2014.
- **REAPPOINTED** John Lowry, as the Samuel Miller District representative, and Elton Oliver, as the Scottsville District representative, to the Economic Development Authority with said terms to expire January 19, 2016.
- **REAPPOINTED** Alan Collier, David Cooke II, Virginia Gardner, William Rich and John Lowry to the Equalization Board, with said terms to expire December 31, 2012.
- **APPOINTED** Richard Randolph, as the Scottsville District representative, to the Planning Commission, with said term to expire December 31, 2015.
- **REAPPOINTED** Calvin Morris, as the Rivanna District representative, and Tom Loach, as the White Hall District representative, to the Planning Commission, with said terms to expire December 31, 2015.
- **APPOINTED** Richard Hewitt to the Police Department Citizens Advisory Committee, with said term to expire March 5, 2014.
- **REAPPOINTED** Bruce Dotson to the Public Recreation Facilities Authority, with said term to expire December 31, 2014.
- **REAPPOINTED** Steven James and Vincent Day to the Rivanna Solid Waste Authority Citizens Advisory Committee, with said terms to expire December 31, 2013.
- **REAPPOINTED** Lincoln Lewis, as the Rivanna District representative, to the Social Services Board, with said term to expire December 31, 2015.

Appointed Board members to serve on the following committees:

Ken Boyd:

- Darden Towe Memorial Park Committee
- Fiscal Impact Advisory Committee
- Rivanna Solid Waste Authority
- Rivanna Water and Sewer Authority

Christopher Dumler:

- Audit Committee
- Jail Authority
- Police Department Citizens Advisory Committee
- Thomas Jefferson Planning District Commission

Ann Mallek:

- ACE
- Piedmont Workforce Network Council

<ul style="list-style-type: none"> • Property Committee • Thomas Jefferson Planning District Commission • CIP Oversight Committee • Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Audit Committee • Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee • High Growth Coalition • CIP Oversight Committee • Rivanna River Basin Commission <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> • Property Committee • High Growth Coalition • Historic Preservation Committee • Rivanna River Basin Commission • Metropolitan Planning Organization <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • Agricultural and Forestal Advisory Committee • Darden Towe Memorial Park Committee • Hazardous Materials Local Emergency Planning Committee • Metropolitan Planning Organization 	
<p>19. Economic Vitality Action Plan Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. • Mr. Boyd asked for a breakout of tax revenue in dollars received from business-related activities. 	
<p>25. Public Safety Classification and Salary Review.</p> <ul style="list-style-type: none"> • CONCURRED with the 2011 Public Safety Classification and Pay Review process and AUTHORIZED staff to proceed with including full implementation of these recommendations in the County Executive's FY13 Recommended Operating Budget. 	<p><u>Human Resources/County Executive:</u> Proceed as approved.</p>
<p>26. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the attached resolution to support legislation, re: Habitat for Humanity and Biscuit Run. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked when the running-at-large leash law issue would be coming back to the Board. Mr. Foley responded that it may come to the Board in March. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • He is continuing to work with the residents and VDOT on a traffic light signal beside Covenant Church at the Belvedere entrance. • Mentioned that Claudius Crozet Park has raised the necessary money it needs for the dome. • Been working with VDOT on issues related to Rio Mills Road. • Received phone calls from some residents of Rio Mills Road that the noise issue has gotten better since they last met with Rockydale 	<p><u>Clerk:</u> Forward copy of resolution to David Toscano and County Attorney's Office. (Attachment 7)</p>

<p>Quarry.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Asked for a report on the committees that were working with the City, regarding issues of regional cooperation, social services, schools. • Asked for an update on the progress of the additional lane from Hydraulic Road to the Route 250 Bypass. Mr. Foley responded that staff can work on providing an update in February. • Mentioned chart in the December 9, 2011 VACo report on who pays for K-12 education. The charts shows the per pupil expense around the State. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • At the most recent meeting of the RWSA Board, he voted against the pump station agreement as directed by the Board of Supervisors. The additional 30%+ in project costs benefits only City residents and the County's position is that the additional costs should be borne by the City in the cost sharing agreement. • Welcomed Christopher Dumler to his first meeting of the Board. • Mentioned the Fairfax County prescription discount card Board members received, and asked that staff take a look at it. Asked that the County's website continue to include a link to the NACo prescription discount card. <p><u>Larry Davis:</u></p> <ul style="list-style-type: none"> • Provided Board members with a final copy of their Rules of Procedure adopted earlier today. 	
<p>27. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 4:28 p.m. 	

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- Attachment 1 – Rules of Procedures
- Attachment 2 – Boards and Commissions Policy
- Attachment 3 – Resolution – John W. Warner Parkway
- Attachment 4 – Resolution of Intent to Amend and Clarify the Criteria for Issuance of a Special Use Permit for Off-Site Signs
- Attachment 5 – Resolution - Interoperable Emergency Communications Planning Grant
- Attachment 6 – Amendments to 2012 Legislative Priorities
- Attachment 7 – Resolution to Support Legislation

RULES OF PROCEDURE ALBEMARLE BOARD OF COUNTY SUPERVISORS

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to suspend or amend the rules of procedure whenever a majority of the Board decides to do so. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

A. *Officers*

1. *Chairman.* The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423)
2. *Vice-Chairman.* The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code § 15.2-1422)
3. *Term of Office.* The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
4. *Absence of Chairman and Vice-Chairman.* If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code § 15. 2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)

C. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to

attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a member of the Board, by electronic mail or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. *Order of Business*

1. *Agenda.* The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

- a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business (To include Public Hearings, Presentations, Work Sessions, Appointments, and other Action Items).
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled at the midpoint of the agenda at day Board meetings and at the end of the agenda prior to adjournment at evening Board meetings.

- b. The above order of business may be modified by the Clerk of the Board to facilitate the business of the Board.

2. *Adoption of Final Agenda.* The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may

propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.

3. *Consent Agenda.* The “Consent Agenda” shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on Consent Agenda matters. Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
4. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* “From the Board: Committee Reports and Matters Not Listed on the Agenda” shall be the last order of business for a regular meeting of the Board unless a majority of the members of the Board agree to consider the item earlier on the agenda. It shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.
5. *Public Comment.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for “From the Public: Matters Not Listed for Public Hearing on the Agenda”.
6. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board’s preference that a public hearing for a zoning matter should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County’s deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing

has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

E. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)
3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of

the previous question shall not be subject to debate and shall take precedence over any other matter.

6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.

7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

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

H. *Suspension of Rules of Procedure*

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

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by *Robert's Rules of Order Procedure in Small Boards.*

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(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012).

**ALBEMARLE COUNTY BOARD OF SUPERVISORS
POLICY FOR BOARDS AND COMMISSIONS**

A. CREATION OF NEW BOARDS AND COMMISSIONS

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. At the discretion of the supervisor of that district, magisterial positions may be advertised and selected applicants may be interviewed for the position.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. As a condition to assuming office all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.

11. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

C. ADOPTION

This policy shall be reviewed and readopted by the Board of Supervisors in January.

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006; 01-03-2007; 01-09-2008; 01-07-2009; 01-06-2010; 01-05-2011; 01-04-2012)

JOHN W. WARNER PARKWAY

WHEREAS, Senator John Warner takes pride in his Virginia ancestry, which traces back to the neighboring County of Amherst, home of his grandparents; and

WHEREAS, like so many of the World War II generation, Senator Warner enlisted at the age of 17 in the U.S. Navy in January, 1945; was honorably discharged in 1946, and then entered his father's alma mater, Washington and Lee University on the GI Bill; and

WHEREAS, Senator Warner was accepted at the Law School at the University of Virginia in the Fall of 1949, completed his first year, and, was commencing his second year when he, like many other military reservists across America, was called to active duty to meet the nation's mobilization requirements for the Korean War; and

WHEREAS, Senator Warner served in Korea as a First Lieutenant Communications Officer, First Marine Air Wing and, upon his return, resumed his studies at the Law School graduating in 1953, and with the faculty's recommendation, he obtained a law clerkship with a Federal Judge; and

WHEREAS, the Senator has many times in Senate Floor speeches, and at public appearances, acknowledged his everlasting gratitude for the training and experience in the military, his legal education, respect given by the Charlottesville community and the University to the veterans of World War II and Korea, and the individual encouragement given him by faculty and administration of the Law School. This support laid an essential part of the foundation for his service in the U.S. Senate; and

WHEREAS, over the span of 218 years of U.S. Senate history Virginia has sent 55 individuals to represent the Commonwealth of Virginia, of which John W. Warner is the second longest serving with 30 years of service, 1979-2009; and

WHEREAS, Senator Warner was awarded the 2008 Thomas Jefferson Foundation Medal in Citizen Leadership for his lifetime commitment to public service, his strong commitment to education and his exceptional leadership; and

WHEREAS, when Senator John W. Warner announced his retirement from the U.S. Senate, on the grounds of the Rotunda, he stated that "one's achievements in life are largely owed to all who helped along the way." He quoted from the founding father of the University of Virginia, Mr. Jefferson: "There is a fullness of time when men should go, and not occupy too long the ground to which others have the right to advance"; and

WHEREAS, Senator Warner's advocacy and commitment to this region was instrumental in obtaining important funding for the University of Virginia, keeping the National Ground Intelligence Center growing and a part of this community, and funding for the construction of the interchange for the Meadow Creek Parkway;

NOW, THEREFORE, BE IT RESOLVED, that in recognition and sincere appreciation for Senator Warner's longstanding commitment to not only public service and the betterment of our country, but for the support and contributions to the Charlottesville and Albemarle community and the future of our residents, the Albemarle County Board of Supervisors does hereby name the County's portion of the Meadow Creek Parkway the "John W. Warner Parkway."

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the criteria for approving special use permits for off-site signs by the Albemarle County Board of Zoning Appeals; and

WHEREAS, the criterion unique to off-site signs is stated in County Code § 18-4.15.5(c)(1), which requires that the Board of Zoning Appeals find “that the issuance of a special use permit is necessary because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation”; and

WHEREAS, it may be desirable to amend this criterion to clarify that an on-site sign would be deemed to be ineffective if topography, vegetation or any other relevant factors delineated in the criterion prevent the sign from communicating its message to the primary access to the property seeking the sign; and

WHEREAS, it also may be desirable to amend the Zoning Ordinance to have applications for special use permits for off-site signs reviewed and acted upon by the Planning Commission and the Board of Supervisors, rather than the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending County Code § 18-4.15.5, Signs Authorized by Special Use Permit, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

Governing Body Resolution

BE IT RESOLVED BY THE Board of Supervisors OF THE County of Albemarle, Virginia
(Governing Body) (Name of Applicant)

THAT the ECC Executive Director , OR the County Executive , OR
(Name or Title of Authorized Agent) (Name or Title of Authorized Agent)

OR _____ ,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia (Interoperable Emergency Communications Grant IECGP-2009).

Albemarle County 2012 Legislative Priorities

Growth Management, Land Use and Transportation

Biosolids—Support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

Local Authority—Support legislation to 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.

Impact Fee Authority—Support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.

Conservation Easements—Support legislation that augments local efforts in natural resource protection through 1) continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continuing to provide matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increase incentives for citizens to create conservation easements.

Scenic Protection and Tourist Enhancement—Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County makes land use decisions in designated areas.

Transportation Funding—Support legislation to 1) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) **strongly oppose any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.**

Health and Human Services

Comprehensive Services Act (CSA)—Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) establishing state contacts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Child Care for Low Income Working Families—Request that the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Local Department of Social Services (LDSS)—Request that the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

Local Government Administration and Finance

Voting Precincts—Request legislation to eliminate split precincts to the extent possible. The Virginia Senate and House of Delegates redistricting plans have created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17th and 25th Senate Districts in three places. The Woodbrook precinct is split between the 17th and the 25th Senate Districts. The Free Bridge precinct is split between the 57th and 58th House Districts; and the Stony Point precinct is split between the 17th and 25th Senate Districts.

Full Funding of State Mandates—Request that the state budget provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Local Control of Local Revenues—Oppose legislation that restricts or limits the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

Drug Court Funding—Request that the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

Cost to Compete Pay Differential—Due to the documented high cost of living in Albemarle County, request that the legislature include Albemarle County Schools in the “Cost to Compete Pay Differential” so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

Composite Index—

A. Support legislation to amend the Composite Index Funding Formula by re-defining the local true values of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

B. Support legislation to amend the Composite Index Funding Formula to adjust the funding formula for Albemarle County and the City of Charlottesville to account for the annual transfer of funds from the County to the City required by their annexation and revenue sharing agreement. This adjustment would more equitably reflect the County’s and City’s “ability to pay”.

RESOLUTION TO SUPPORT LEGISLATION

BE IT RESOLVED that the Albemarle County Board of Supervisors supports a legislative act to authorize the Virginia Department of Conservation and Recreation to negotiate a land exchange with Habitat for Humanity of Greater Charlottesville of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.