

ACTIONS
Board of Supervisors Meeting of May 9, 2012

May 10, 2012

AGENDA ITEM/ACTION

ASSIGNMENT

3:00 P.M., ROOM 241

<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:00 p.m. by the Chair, Ms. Mallek. All Board Members were present (Mr. Rooker arrived at 3:58 p.m.). Also present were Tom Foley, Larry Davis, and Ella Jordan. 	
<p>2. Closed Meeting.</p> <ul style="list-style-type: none"> At 3:01 p.m. the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to consult with legal counsel and staff regarding pending litigation that challenges the denial of ZMA-2010-17, Redfields Prd, because a public discussion would adversely affect the litigating posture of the County. 	
<p>3. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 3:21 p.m., the Board reconvened into open meeting and certified the Closed Meeting. 	
<p>4. Discussion: Implementation of Virginia Retirement System (VRS) Changes Mandated by SB497.</p> <ul style="list-style-type: none"> MOTION to elect Option 2 which is to implement all at once "the 5 and 5 requirement" entirely in FY 13 under the condition that all new revenues in FY 14 received by General Government and the School Division will first be used to offset the cost of implementing this VRS mandate and/or operating expenses will be reduced in FY 14 to ensure that on-going funding will pay for this recurring expense, passed by a vote of 6:0. 	<p><u>Lori Allshouse/Lorna Gerome</u>: Proceed as directed. Bring forward necessary resolutions on June 6th to implement this change.</p>
<p>5. Discussion: Solid Waste Service Options.</p> <ul style="list-style-type: none"> DIRECTED staff to proceed with a contract proposal from the consultant to maintain the current services with a County lease of the Ivy transfer station. 	<p><u>Mark Graham</u>: Proceed as discussed.</p>
<p>6. From the Board: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
<p>7. Adjourn.</p> <ul style="list-style-type: none"> At 5:22 p.m., the Board recessed. 	

6:00 P.M., LANE AUDITORIUM

<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 6:03 p.m. by the Chair, Ms. Mallek. All Board Members were present. Also present were Tom Foley, Larry Davis, and Ella Jordan. 	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ACCEPTED the final agenda. 	
<p>5. Brief Announcements by Board Members.</p> <ul style="list-style-type: none"> There were none. 	
<p>6. Recognitions. Removed from Agenda.</p>	

<p>7. Larry Land, Director of Policy Development, Virginia Association of Counties.</p> <ul style="list-style-type: none"> • Gave brief report of ongoing and upcoming VACo activities. 	
<p>8. From the Public: Matters not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Reid Shaw and Kelly Flora</u>, students at Monticello High School, presented information on their CAP project concerning the tax rate. • <u>Nancy Carpenter</u>, resident of Eagles Landing, spoke on nine homeless individuals trying to get into The Crossing at 4th and Preston. • <u>Ryan Wolfe, Heather Noffsinger and Katie Cersely</u>, students at Monticello High School, presented information on their CAP project concerning the Route 29 bypass. • <u>Charles Battig</u> made a presentation on Climate Change. • <u>Amory Fisher</u> expressed opposition to the Route 29 bypass. • <u>Elinor Glassco</u>, student at Agnor Hurt Elementary School, spoke in opposition to the Route 29 bypass and presented the Board with a petition. • <u>Isaac Smith</u> student at Albemarle High School, spoke in opposition to the Route 29 bypass and presented the Board with a petition. • <u>Johnathan Hernandez</u> spoke on updating the plans of the Route 29 bypass. • <u>John Martin</u> spoke on City Councils discussion on marijuana and asked the Board not to get involved. • <u>Evan Cunningham, Mariel Anderson and Patrick MacDonnell</u>, students at Monticello High School, presented information on their CAP project concerning warrantless searches. • <u>Tom Olivier</u> commended students who came out to the meeting, and asked the Board to request VDOT and the FHWA to hold a public hearing on Route 29 bypass. • <u>Doug Arrington</u> spoke on the County's Comprehensive Plan and its limited attention to infrastructure. 	
<p>9.2 HO-2011-152. Stanley Chang. Home occupation modification for traffic generation.</p> <ul style="list-style-type: none"> • APPROVED HO-2011-152 modification for traffic generation subject to the following conditions: <ol style="list-style-type: none"> 1. No more than thirty (30) clients per week and no more than six (6) clients per day (Monday through Friday). 	
<p>9.3 FY 2012 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED Appropriations #2012073 and 2012074. 	<p><u>Clerk:</u> Forward copy of signed appropriation forms to OMB, Finance and appropriate individuals.</p>
<p>9.4 FY 2012/13 Resolution of Appropriations – Capital Budget.</p> <ul style="list-style-type: none"> • APPROVED the Resolution of Appropriations for FY 12/13 Capital Improvement Plan budgets that allocates a total of \$21,624,481 to various General Government and School Division 	<p><u>Clerk:</u> Forward copy of resolutions to OMB, Finance and County Attorney's office. (Attachment 1)</p>

	<p>capital improvement accounts for expenditure in FY 12/13.</p> <ul style="list-style-type: none"> • APPROVED the Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	(Attachment 2)
9.5	<p>Cancel June 13, 2012 Regular Night Meeting.</p> <ul style="list-style-type: none"> • CANCELLED meeting. 	<u>Clerk:</u> Notify appropriate individuals.
9.6	<p>Resolution of Support for Inmate Workforce/Community Service Program.</p> <ul style="list-style-type: none"> • APPROVED the Resolution of Support for Inmate Workforce/Community Service Program. 	<u>Clerk:</u> Forward copy of resolution to sheriff Harding. (Attachment 3)
10.	<p>Pb. Hrg: County's Priority List of Secondary Road Improvements and VDoT Six Year Secondary Construction Program Budget (FY11-12 to FY16-17).</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the County's Priority List for Secondary Road Improvements. • By a vote of 6:0, APPROVED VDoT's FY 13-18 Six Year Secondary Road Construction Program. • MOTION to provide direction to VDoT to issue a permit to the property owner for the paving of the unpaved section of Blenheim Road as a rural rustic road, failed by a vote of 3:3(Dumler/Mallek/Rooker). 	<u>David Benish:</u> Proceed as approved.
11.	<p>Pb. Hrg: SP-2010-00042, David Brown Auto Detailing and Repair (Sign #120).</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP-2010-00042 David Brown Auto Detailing and Repair subject to thirteen conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
12.	<p>Pb. Hrg: WPTA-2012-00001. Water Protection Ordinance.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED WPTA-2012-00001 to amend Section 17-321 of the County Code. 	<u>Clerk:</u> Forward signed copy of ordinance to Community Development and County Attorney's Office. (Attachment 5)
13.	<p>Pb. Hrg: ZTA-2012-00002. Water and Sewer.</p>	<u>Clerk:</u> Schedule on July 11 th agenda.
14.	<p>Pb. Hrg: STA-2012-00001. Water & Sewer.</p> <ul style="list-style-type: none"> • MOTION to defer ZTA-2012-00002 and STA-2012-00001 Water/Sewer Regulations until July 11, 2012 passed by a vote of 6:0. • DIRECTED staff to perform a peer community survey and report back with more information. 	<u>Community Development:</u> Proceed as directed.
15.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • Announced that Rockydale Quarry is still taking sound measurements and four houses are scheduled to be set up with sound apparatuses, so sound analyses could be done. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked Board members to think about the disparity between the Comp Plan's treatment of property that is developable, and the subdivisions plan, consideration of what is developable when it regards a density bonus. 	
16.	<p>Adjourn to May 10, 2012.</p> <ul style="list-style-type: none"> • At 9:07 p.m. the meeting was adjourned until May 10, 2012, Charlottesville High School, to allow Board members to attend the Rivanna River Basin Commission's Tour de Stormwater, from 12:00 p.m. – 4:00 p.m. 	

/ewj

Attachment 1 - Resolution of Appropriations

Attachment 2 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment 3 – Resolution of Support for Inmate Workforce/Community Service Program

Attachment 4 – Conditions of Approval for SP-2010-00042, David Brown Auto Detailing and Repair

Attachment 5 – WPTA-2012-00001. Water Protection Ordinance

**RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING JUNE 30, 2013**

A RESOLUTION making appropriations of sums of money for necessary capital improvement expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2013; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT (Fund 1000)

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2013:

Paragraph One: CAPITAL OUTLAYS

Transfer to General Government Capital Improvements Fund	\$1,748,760
Transfer to Schools Capital Improvements Fund	\$1,245,068
Transfer to Stormwater Fund	<u>\$53,555</u>
	<u>\$3,047,383</u>

To be provided as follows:

Revenue from Local Sources	\$3,047,383
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GENERAL FUND resources available for fiscal year ending June 30, 2013:	<hr/> \$3,047,383
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SECTION II - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND (Fund 9010)

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2013:

Paragraph One: COURTS

Court Square Maintenance/Replacement Projects	\$241,851
Old Jail Facility Maintenance	\$19,125
Sheriff's Office maintenance/Replacement Projects	<u>\$18,568</u>
	\$279,544

Paragraph Two: PUBLIC SAFETY

ECC Emergency Telephone System	\$1,385,602
Fire/Rescue Apparatus Replacement - County	\$292,448
Fire/Rescue Apparatus Replacement - Volunteers	\$903,132
Fire/Rescue Apparatus - Ivy Station 14	\$898,150
Fire/Rescue Lifepacks	\$415,698
Pantops EMS	\$71,817
Firearms Range	\$1,007,213
County 800 Mhz Radio Replacements	\$44,080
Police Mobile Data Computers	\$123,787
Police Patrol Video Cameras	<u>\$137,125</u>
	\$5,279,052

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Maintenance/Replacement	\$75,304
County Facilities Maintenance/Replacement	\$506,452
Ivy Landfill Remediation	\$539,507
Moores Creek Septage Receiving	\$112,895
Storage Facility Lease	<u>\$62,000</u>
	\$1,296,158

Paragraph Four: PARKS, RECREATION & CULTURE

Parks - Maintenance/Replacement	<u>\$329,068</u>
	\$329,068

Paragraph Five: LIBRARIES

City/County Branch Library Repair/Maintenance	\$211,470
County Library Facilities Repair/Maintenance	\$24,757
Crozet Library	<u>\$6,765,497</u>
	\$7,001,724

Paragraph Six: TECHNOLOGY AND GIS

County Server/Infrastructure Upgrade	\$417,782
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Paragraph Seven: OTHER USE OF FUNDS

Contingency	\$117,561
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Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2013: \$14,720,889

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,748,760
Revenue from Other Local Sources	\$1,458,213
Bond Proceeds	\$10,510,360
Use of Fund Balance	<u>\$1,003,556</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2013: \$14,720,889

SECTION III: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND (Fund 9000)

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2013:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$188,776
Instructional Technology	\$593,148
Local Area Network Upgrade	\$722,093
School Maintenance/Replacement	\$4,309,823
State Technology Grant	\$810,807
Storage Facility Lease	<u>\$150,000</u>

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2013: \$6,774,647

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,245,068
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Revenue from Other Local Sources	\$2,000
Revenue from the Commonwealth	\$786,000
Bond Proceeds	\$3,776,873
Use of Fund Balance	\$964,706

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2013: \$6,774,647

SECTION IV: STORM WATER CAPITAL IMPROVEMENTS FUND (Fund 9100)

That the following sums of money be and the same hereby are appropriated from the STORM WATER CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2013:

Paragraph One: STORM WATER PROJECTS

Storm Water Control Program	\$128,945
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Total STORM WATER CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2013: \$128,945

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$53,555
Use of Fund Balance	\$75,390

Total STORM WATER CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2013: \$128,945

**TOTAL APPROPRIATIONS MENTIONED IN
SECTIONS I - IV OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2013**

RECAPITULATION:

Appropriations:

Section I	General Fund Transfers to Capital Improvement Programs	\$3,047,383
Section II	General Government Capital Improvements Fund	\$14,720,889
Section III	School Division Capital Improvements Fund	\$6,774,647
Section IV	Storm Water Capital Improvements Fund	\$128,945
		\$24,671,864

Less Inter-Fund Transfers (\$3,047,383)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS **\$21,624,481**

BE IT FURTHER RESOLVED THAT the Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, the appropriations made to these funds for the period covered by this appropriation resolution.

SECTION V

All of the monies appropriated as shown by the contained items in Sections I through III are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance (Betty Burrell) and Clerk to the Board of Supervisors (Ella W. Jordan) are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Seven

This resolution shall become effective on July first, two thousand and twelve.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower"), intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$16,264,589.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

**CAPITAL IMPROVEMENT PROGRAM
BONDED PROJECTS
FY 2012/13**

Schools	Amount
1. School Maintenance Projects	\$3,776,873
Schools Subtotal	\$3,776,873
General Fund	Amount
1. County Server Infrastructure Upgrade	\$405,000
2. Crozet Library	\$6,558,500
3. ECC Emergency Telephone System	\$556,760
4. Fire Rescue Apparatus Replacement-County	\$283,500
5. Fire Rescue Apparatus Replacement-Volunteer	\$875,500
6. Fire Rescue Apparatus-Ivy Station 14	\$870,670
7. Fire Rescue Lifepacks	\$402,980
8. Firearms Range	\$424,520
9. Police Patrol Video Cameras	\$132,930
General Fund Subtotal	\$10,510,360
TOTAL DEBT ISSUE – FY 2011/12 PROJECTS	\$14,287,233

PREVIOUSLY APPROPRIATED PROJECTS TO BE BONDED

General Fund	Amount
1. Firearms Range	\$127,356
2. Ivy Fire Station	\$250,000
3. Crozet Library*	\$1,600,000
General Fund Subtotal	\$1,975,356
TOTAL DEBT ISSUE – ALL PROJECTS	\$16,264,589

RESOLUTION OF SUPPORT

WHEREAS, the Inmate Workforce/Community Service Program provides the opportunity for qualified inmates to receive credit for fines and court costs and to receive job training; and

WHEREAS, the Inmate Workforce/Community Service Program is a key, fundamental initiative to achieve successful re-entry of individuals upon release and can mitigate recidivism since those participating in the program can retain their driver's license and have no outstanding Court fines and penalties; and

WHEREAS, this program helps reduce jail over-crowding, holds the potential to introduce a work ethic to young inmates and provides a public service to the taxpayers of the County of Albemarle; and

WHEREAS, the Albemarle County Department of Parks & Recreation as well as General Services Department have successfully utilized inmates for a myriad of projects including construction of trails and shelters at County Parks, general maintenance of County-owned facilities, storm water detention basin maintenance, general landscaping, equipment maintenance and repairs and custodial projects; and

WHEREAS, the use of inmate labor has netted tremendous benefit to both departments and to the successful efficient delivery of public services; and

WHEREAS, the County of Albemarle 2008 Resource Management Review conducted on behalf of the County by the Commonwealth Educational Policy institute in the Center for Public Policy at Virginia Commonwealth Institute lauded the use of inmate labor by the County as being innovative and strongly encouraged increasing the use of inmate labor for County-related projects whenever feasible; and

WHEREAS, the County of Albemarle's FY13-17 adopted Strategic Plan includes the following goal statement and objectives:

Promote individual responsibility and citizen ownership of community challenges:

- a. Increase County's volunteer management capability;
- b. Increase opportunities for citizen self reliance and responsibility for addressing community issues; and

WHEREAS, the ongoing use and expansion of inmate labor by the County of Albemarle fulfills this goal and objective statements by promoting self-reliance, enhancing volunteer service and addressing key community issues;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors wholeheartedly endorses the Inmate Workforce/Community Service Program and finds it to be highly productive and mutually beneficial to both those involved in this program as well as the citizens of the County of Albemarle; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors encourages all involved in the criminal justice system to support and expand the use of this program.

CONDITIONS OF APPROVAL

1. Development and use shall be in general accord with the conceptual plan titled "Site Plan David Brown's Body Shop," prepared by David C. Wyant, Sr., and dated October 27, 2011 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:
 - limits of disturbance
 - location and size of buildings and structures
 - location of parking areas
 - extent of paving
 - environmental features, including the stream and steep slopes on the site.

The Zoning Administrator may approve minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The hours of operation for the public garage shall not begin earlier than 9:00 a.m. and shall end not later than 7:30 p.m., each day, Monday through Saturday. The public garage shall not operate on Sundays;
3. Compliance with the Virginia State Department of Health regarding water supply and septic system shall be verified by the Health Department prior to issuance of a zoning clearance and the commencement of the special use;
4. All outdoor lighting shall be only full cut-off fixtures and shall be shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to issuance of a zoning clearance;
5. The following activities are prohibited anywhere on the site:
 - a. Gasoline sales
 - b. Installation and/or use of a paint booth
 - c. Sale or rental of vehicles or other motorized equipment
 - d. Storage of vehicles on the site for longer than thirty (30) days
 - e. Outdoor storage of inoperative vehicles, parts, equipment, machinery, and/or junk;
6. All detailing and/or repairing of vehicles shall take place inside the existing garage;
7. The impervious surface, including any impervious paving, on the site shall not be expanded beyond its extent on the date of this application. (November 15, 2010);
8. The permittee shall install and thereafter maintain a minimum twenty (20)-foot deep landscaped buffer adjacent to the stream. This planting shall use native tree and shrub species listed in Appendix A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation and/or the brochure Native Plants for Conservation, Restoration, and Landscaping, published by the Virginia Department of Conservation and Recreation. Trees and shrubs shall be planted at the densities specified in Appendix D, Table A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation. Landscaping shall be installed prior to issuance of a zoning clearance. No vehicles may be parked or other business or earth-moving activities shall take place within this buffer;
9. Parking of vehicles associated with the public garage shall take place only in the parking spaces depicted on the Concept Plan. Vehicles owned by residents of the property and employees of the repair shop may also use these spaces;

10. There shall be no more than three (3) vehicles awaiting repair or waiting to be picked up after repair parked outside the garage at any one time. This limitation shall not apply to vehicles owned by the residents of the property or by employees of the repair shop;
11. There may be up to two additional employees other than family members who reside in the home on the site associated with this use.
12. Approval from the Department of Environmental Quality, if required, shall be required prior to issuance of the zoning clearance; and
13. The use shall not lawfully commence until the Special Use Permit is approved and all applicable conditions of approval have been met.

ORDINANCE NO. 12-17(1)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article III, Stormwater Management and Water Quality, is amended and reordained as follows:

By Amending:

Sec. 17-321 Types of development which may be allowed in stream buffer by program authority

Chapter 17. Water Protection**Article III. Stormwater Management and Water Quality****Sec. 17-321 Types of development which may be allowed in stream buffer by program authority.**

Development in a stream buffer may be authorized by the program authority in the circumstances described below, provided that a mitigation plan is submitted to, and approved, by the program authority pursuant to section 17-322:

1. on a lot within the fifty (50) horizontal feet of stream buffer that is the most landward (furthest from the stream) if the development either: (i) would be for necessary infrastructure to allow reasonable use of the lot; or (ii) would be on a lot that is within both a development area and a water supply protection area where the stream buffer protects an intermittent stream. In all cases under this paragraph, any new building site and sewage disposal system shall be located outside the stream buffer;
2. on a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project;
3. on a lot on which the development in the stream buffer will consist of the construction and maintenance of a road, street or driveway that would not satisfy the requirements of section 17-320(D) and the program authority determines that the stream buffer would prohibit access to the lot necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of the subdivision ordinance, or to establish more than one stream crossing;
4. on a lot which was of record prior to the date of adoption of this chapter, on which the development in the stream buffer will consist of the construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the program authority determines that the stream buffer would prohibit the practicable development of such facilities or systems. Any such sewage disposal system must comply with all applicable state laws; and
5. on a lot which was of record prior to the date of adoption of this chapter, if the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or to allow redevelopment as permitted in the underlying zoning district.

(§ 19.3-45, 2-11-98; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-45; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08; Ord. 08-17(2), 5-7-08; Ord. 11-17(1), 10-5-11; Ord. 11-17(1), 5-9-12)

State law reference--Va. Code § 10.1-2108.