

ACTIONS

Board of Supervisors Meeting of September 5, 2012

September 6, 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 9:02 a.m. by the Chair, Ms. Mallek. All BOS members were present with the exception of Christopher Dumler. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED discussion on changes to cost recovery for ambulance billing. ACCEPTED final agenda. 	
<p>5. Brief Announcements by Board Members. <u>Rodney Thomas</u></p> <ul style="list-style-type: none"> Announced that Rockydale Quarries was awarded the Airport gravel contract, but may not be able to fulfill it due to County ordinance prohibiting operation during night. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Mentioned an email she sent to VDoT requesting that the Board be provided with complete plans for herbicide spraying along Albemarle County roadways. Since she has received no response she will be filing a FOIA request. 	
<p>6. Recognitions:</p> <p>a. Proclamation recognizing September 2012 as National Preparedness Month in Albemarle County.</p> <ul style="list-style-type: none"> Chair read and presented proclamation to Kirby Felts, Emergency Management Coordinator. <p>b. Proclamation recognizing September 2012 as Alzheimer's Awareness Month in Albemarle County.</p> <ul style="list-style-type: none"> Chair read and presented proclamation to Mary Pat Hanson, Walk to End Alzheimer's Director. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>The following persons spoke about the bridge replacement project on the Black Cat Road Bridge and prohibiting through truck traffic:</u> <ul style="list-style-type: none"> Jonathan Lee Ann Taylor Anne Vanderwarker Terry Lockhart Tony Vanderwarker Bill Johnson Colleen Keller Sarah Lee Barnes <u>Charles Battig</u> made presentation on climate change. <u>Robert Garland</u> spoke on behalf of the Canterbury Hills Homeowners Association and asked the Board to add Albemarle County to the list of localities enabled to regulate the 	

	<p>storage of inoperable vehicles.</p> <ul style="list-style-type: none"> • <u>Jeff Monroe</u> President of the Hessian Hills Neighborhood Association asked the Board to request an amendment to §15.2-905 of the Code of Virginia. • <u>Ron Mallury</u> spoke on the Boards consideration of banning open burning. • <u>Jeff Werner</u> spoke on behalf of the Piedmont Environment Council against the Route 29 Western Bypass. • Board DISCUSSED through truck restriction on Black Cat Road and REQUESTED Clerk to add to October 3, 2012 agenda. 	<p><u>Clerk:</u> Schedule on October 3rd agenda.</p>
8.2	<p>Set public hearing on Ordinance to Amend the Open Burning provisions in Chapter 6, Fire Protection, of the County Code.</p> <ul style="list-style-type: none"> • SET for Public Hearing. 	<p><u>Clerk:</u> Schedule on agenda for public hearing.</p>
8.3	<p>2012 Agricultural Disaster Declaration Resolution.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward resolution to Governor McDonnell and copy County Attorney. (Attachment 3)</p>
8.4	<p>Resolution to accept road(s) in Ivy View Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution and Form AM-4.3 to Glenn Brooks. (Attachment 4)</p>
8.5	<p>Resolution to accept road(s) in Fray's Grant Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution and Form AM-4.3 to Glenn Brooks. (Attachment 5)</p>
8.6	<p>Resolution to accept road(s) in Montgomery Ridge Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution and Form AM-4.3 to Glenn Brooks. (Attachment 6)</p>
8.7	<p>Resolution to accept Peter Jefferson Parkway Ext and Martha Jefferson Drive into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution and Form AM-4.3 to Glenn Brooks. (Attachment 7)</p>
8.8	<p>FY 2012 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED, Appropriations #2012089, #2012090, and #2012091. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals.</p>
8.9	<p>FY 2013 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED, Appropriations #2013031, #2013032, #2013033, #2013034, #2013035, #2013036, #2103037, #2013038 and #2012039. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals.</p>
8.10	<p>Resolution to Establish Policy for Constitutional Officer Employees Regarding Compensation, Benefits and Personnel Policies.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney. (Attachment 8)</p>
8.11	<p>The Crossings at Fourth and Preston - Agreement between the County and Virginia Supportive Housing to provide interim funding for nine housing units at The Crossings.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to sign the agreement for the use of County dollars for Single Room Occupancy (SRO) rent subsidies on behalf of the County after it has been approved in substance and as to form by the County Attorney. 	<p><u>Ron White/County Attorney:</u> Provide Clerk with copy of signed agreement.</p>
8.12	<p>Housing Choice Voucher Program - Administrative Plan.</p>	<p><u>Clerk:</u> Forward copy of signed resolution to Housing and County Attorney. (Attachment 9)</p>

	<ul style="list-style-type: none"> • ADOPTED resolution to approve the revised Administrative Plan and AUTHORIZED the Chief of Housing to implement the Program in accordance with the approved Plan. 	<u>Ron White</u> : Proceed as authorized.
8.13	<p>Resolution to Support Restoration of State Funding For Aid to Localities.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward copy of signed resolution to Governor McDonnell and County Attorney. (Attachment 10)
9.	<p>Pb. Hrg: SP-2011-00011. Lewis Bridge over Doyle's River (Signs #92&95).</p> <ul style="list-style-type: none"> • By a vote of 5:0, APPROVED SP-2012-00011, subject to recommended conditions. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 11)
10.	<p>Pb. Hrg: SP-2012-00009. Southwood Boys & Girls Club Expansion (Signs #84&85).</p> <ul style="list-style-type: none"> • By a vote of 5:0, APPROVED SP-2012-00009, subject to recommended conditions. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 11)
11.	<p>Pb. Hrg: SP-2012-00012. Regents School of Charlottesville (RSC) (Signs #81&82).</p> <ul style="list-style-type: none"> • By a vote of 5:0, APPROVED SP-2012-00012, subject to recommended conditions. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 11)
12.	<p>Pb. Hrg: ZTA- 2012-00009. Site Plan Process Improvements.</p> <ul style="list-style-type: none"> • By a vote of 5:0, DEFERRED, to October 3, 2012 meeting. 	<u>Clerk</u> : Schedule as October 3 rd agenda.
	Recessed. At 12:05 p.m., the Board recessed, and then reconvened at 12:13 p.m.	
13.	<p>Regional Legislative Program, David Blount.</p> <ul style="list-style-type: none"> • RECEIVED. 	
14.	<p>2013 Legislative Priorities.</p> <ul style="list-style-type: none"> • By a vote of 5:0, APPROVED the proposed 2013 Legislative Priorities. 	<u>County Attorney</u> : Proceed as approved. (Attachment 12)
15.	<p>Fire Rescue FEMA SAFER Grant Award.</p> <ul style="list-style-type: none"> • By a vote of 5:0, APPROVED the County's acceptance of the SAFER Grant. 	<u>Dan Eggleston</u> : Proceed as approved.
16.	<p>Albemarle County Service Authority Quarterly Update, Gary O'Connell, Executive Director.</p> <ul style="list-style-type: none"> • RECEIVED. 	
17.	<p>Rivanna Water and Sewer Authority Quarterly Update, Tom Frederick, Executive Director.</p> <ul style="list-style-type: none"> • RECEIVED. 	
18.	<p>Closed Meeting. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> • At 1:06 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to discuss and consider appointments to specific boards, committees, and commissions; and under subsection (7) to consult with legal counsel and staff regarding specific legal matters related to the negotiation of an interjurisdictional agreement for regional library services . 	
19.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 2:04 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
20.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Mr. Charles Newton to the Local Board of Building Code Appeals with said term to expire November 21, 2017. • REAPPOINTED Mr. John Murphy and Mr. Lonnie Murray to the Natural Heritage Committee with said terms to expire 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.

<p>September 30, 2016.</p> <ul style="list-style-type: none"> • APPOINTED Mr. Charles Newton to the Places 29 Community Advisory Council with said term to expire January 31, 2013. • REAPPOINTED Ms. Bonnie Samuel to the Route 250 West Task Force with said term to expire September 5, 2015. • APPOINTED Ms. June Tate to the Route 250 West Task Force with said term to expire September 5, 2015. 	
<p>21. Wireless Policy/Regulations Update.</p> <ul style="list-style-type: none"> • RECEIVED. 	<p><u>Bill Fritz:</u> Proceed as directed.</p>
<p>22. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • DISCUSSED cost recovery process for ambulance billing. DIRECTED staff to send a letter to the office of the Inspector General. 	<p><u>County Attorney:</u> Proceed as directed.</p>
<p>23. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
<p>24. Adjourn.</p> <ul style="list-style-type: none"> • At 3:49 p.m., the Board adjourned until September 12, 2012, Lane Auditorium. 	

ewj/tom

- Attachment 1 – Proclamation recognizing Alzheimer’s Month
- Attachment 2 – Proclamation recognizing National Preparedness Month
- Attachment 3 – 2012 Agricultural Disaster Declaration Resolution
- Attachment 4 – Resolution to accept road(s) in Ivy View Subdivision into the State Secondary System of Highways
- Attachment 5 – Resolution to accept road(s) in Fray’s Grant Subdivision into the State Secondary System of Highways
- Attachment 6 – Resolution to accept road(s) in Montgomery Ridge Subdivision into the State Secondary System of Highways
- Attachment 7 – Resolution to accept Peter Jefferson Parkway Ext and Martha Jefferson Drive into the State Secondary System of Highways
- Attachment 8 – Resolution to Establish Policy for Constitutional Officer Employees Regarding Compensation, Benefits and Personnel Policies
- Attachment 9 – Resolution – Revised Administrative Plan
- Attachment 10 – Resolution to Support Restoration of State Funding for Aid to Localities
- Attachment 11 – Conditions of Approval on Planning items
- Attachment 12 - 2013 Legislative Priorities

PROCLAMATION

ALZHEIMER'S MONTH

- Whereas,** *the nation and the Commonwealth of Virginia observe World Alzheimer's Awareness Month during the month of September; and*
- Whereas,** *Alzheimer's disease, a progressive neurodegenerative brain disorder, tragically robs individuals of their memories and leads to progressive mental and physical impairments; and*
- Whereas,** *an estimated 5.4 million Americans have Alzheimer's disease. As many as 200,000 of those are individuals under age 65 who have younger-onset Alzheimer's; and*
- Whereas,** *Alzheimer's disease is the sixth leading cause of death in the Commonwealth of Virginia. This eventually fatal disease is a serious and growing threat to the health of our world; and*
- Whereas,** *the human cost of Alzheimer's disease is staggering. More than 15 million caregivers provided over 17.4 billion hours of unpaid care in 2011; and*
- Whereas,** *the annual cost to our country in total payments for healthcare, long-term care and hospice for people with Alzheimer's disease was \$210 billion in 2011; and*
- Whereas,** *in recognition of the individuals, families, friends and caregivers dealing with Alzheimer's disease, the researchers who are seeking a cause or cure; and*
- Whereas,** *the County of Albemarle recognizes the efforts of the Alzheimer's Association to raise funds and promote awareness to fight Alzheimer's disease and related disorders, thereby improving the quality of human life for those living with Alzheimer's disease and their caregivers;*

NOW THEREFORE, BE IT RESOLVED, THAT, I, Ann H. Mallek, Chair, on behalf of the Albemarle County Board of Supervisors, do hereby proclaim the month of **September 2012**, as Alzheimer's Awareness Month in Albemarle County, Virginia.

Signed and sealed this 5th day of September, 2012

NATIONAL PREPAREDNESS MONTH

- WHEREAS,** “National Preparedness Month” creates an important opportunity for every resident of Albemarle County to prepare their homes, businesses, and communities for any type of emergency from natural disasters to potential terrorist attacks; and
- WHEREAS,** investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and
- WHEREAS,** the Federal Emergency Management Agency’s *Ready* campaign, Citizen Corps and other federal, state, local, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and
- WHEREAS,** emergency preparedness is the responsibility of every citizen of Albemarle County and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and
- WHEREAS,** all citizens of Albemarle County are encouraged to participate in citizen preparedness activities and asked to review the *Ready* campaign’s Web sites at ready.gov or listo.gov (in Spanish) and become more prepared;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby proclaims

SEPTEMBER 2012
as
NATIONAL PREPAREDNESS MONTH

and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

RESOLUTION REQUESTING THAT ALBEMARLE COUNTY BE DECLARED AN AGRICULTURAL DISASTER AREA DUE TO DERECHO LOSSES

WHEREAS, the derecho on June 29, 2012 severely impacted the County of Albemarle, including significant impacts on its fruit producers; and

WHEREAS, Central Virginia fruit producers reported losses from 20% to 100% of their 2012 apple and peach crops due to the high winds associated with the June 29, 2012 derecho; and

WHEREAS, Central Virginia fruit producers also reported trees blown over or damaged due to the derecho's high winds, which will become a multi-year loss of production; and

WHEREAS, the tree fruit specialist from the Agriculture and Natural Resources Division of the Virginia Cooperative Extension has reported up to 100% fruit loss to individual orchard blocks in some localities; and

WHEREAS, requests from local governments could encourage the reopening of the United States Department of Agriculture Tree Assistance Program that provides assistance for tree replacement and rehabilitation; and

WHEREAS, the Board of Supervisors finds that the declaration of an Agriculture Disaster in Albemarle County is appropriate and necessary to address the damage, loss, hardship and suffering of fruit producers in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby requests that the County of Albemarle, Virginia be declared an Agricultural Disaster Area as recommended by the Virginia Cooperative Extension due to fruit loss and tree damage from the June 29, 2012 derecho.

BE IT FURTHER RESOLVED, that the Clerk forward this Resolution to the Governor of the Commonwealth of Virginia with a request that he takes all necessary steps to pursue reopening the USDA Tree Assistance Program.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of September 2012, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Ivy View Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Ivy View Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Langford Drive (State Route 1637)** from .2 miles west of Route 1630 (end of F177) west to the end of the cul-de-sac as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3064, pages 357-364, with a 50-foot right-of-way width, for a length of 0.19 miles.

Total Mileage – 0.43

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of September 2012, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Fray's Grant Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Fray's Grant Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Fray's Ridge Court (State Route 1881)** from Route 1880 (Fray's Ridge Crossing) west to the end of the cul-de-sac as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3074, pages 166-182, with a 50-foot right-of-way width, for a length of 0.19 miles.

Total Mileage – 0.19

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of September 2012, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Montgomery Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Montgomery Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Natali Lane (State Route 1790)** from the intersection of Route 1788 (Montgomery Ridge Road) to .095 miles east as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.10 miles.
- 2) **Montgomery Ridge Road (State Route 1788)** from the intersection of Route 1789 (Monet Hill) to 0.138 miles north as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.00 miles.
- 3) **Montgomery Ridge Road (State Route 1788)** from the intersection of Route 1791 (Michelangelo Court) to 0.144 miles north as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.14 miles.
- 4) **Monet Hill (State Route 1789)** from the intersection of Route 1788 (Montgomery Ridge Road) to 0.253 miles west as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.25 miles.
- 5) **Montgomery Ridge Road (State Route 1788)** from the intersection of Route 643 (Polo Grounds Road) to .243 miles north as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.24 miles.
- 6) **Michelangelo Court (State Route 1791)** from the intersection of Route 1788 (Montgomery Ridge Road) to 0.240 miles east as shown on plat recorded in the office the Clerk of Circuit

Court of Albemarle County in Deed Book 2824, page 461, with a 50-foot right-of-way width, for a length of 0.24 miles.

Total Mileage – 0.97

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of September 2012, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Peter Jefferson Parkway Ext and Martha Jefferson Drive**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Peter Jefferson Parkway Ext and Martha Jefferson Drive**, as described on the attached Additions Form AM-4.3 dated **September 5, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The road(s) described on Additions Form AM-4.3 is:

- 1) **Martha Jefferson Drive (State Route 1100)** from Route 1140 (Peter Jefferson Parkway) north to Route 1117 (State Farm Blvd) as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, page 311, with a 50-foot right-of-way width, for a length of 0.35 miles.
- 2) **Peter Jefferson Parkway (State Route 1140)** from Route 1100 (Martha Jefferson Drive) to Route 1117 (State Farm Blvd) as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, page 311, with a 80-foot right-of-way width, for a length of 0.49 miles.
- 3) **Peter Jefferson Parkway (State Route 1140)** from /38 miles southwest of Route 250 to Route 1100 (Martha Jefferson Drive) as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, page 311, with a 80-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.93

**RESOLUTION TO ESTABLISH POLICY FOR
CONSTITUTIONAL OFFICER EMPLOYEES REGARDING
COMPENSATION, BENEFITS, AND PERSONNEL POLICIES**

WHEREAS, the Board of Supervisors desires to adopt a policy to establish the application of certain County compensation, benefits and personnel policies to the employees of the Commonwealth's Attorney, Clerk of the Circuit Court, and the Sheriff (hereinafter "Constitutional Officers") ; and

WHEREAS, the Board recognizes that employees of the Constitutional Officers and County employees all serve the residents of the County and it is desirable to establish a uniform personnel system so that employees of the Constitutional Officers and employees of the County can have the same compensation opportunities and benefits and can be subject to the same policies, procedures, and regulations except as provided herein; and

WHEREAS, under state law, the pay scale and salaries for employees of Constitutional Officers are set by the Virginia Compensation Board ("Compensation Board"), however, the Board of Supervisors has the authority to supplement such state funded salaries if it deems it appropriate; and

WHEREAS, although not legally required to do so, the Board endeavors to maintain parity among County and Compensation Board funded positions; and

WHEREAS, Constitutional Officers will be subject to this policy upon their written election to include their employees under the County's compensation and benefits policies or by entering into an individually agreed upon Memorandum of Understanding.

NOW THEREFORE, BE IT RESOLVED THAT the Albemarle County Board of Supervisors hereby establishes the following policy:

1. Employee Status. Individuals employed by the Constitutional Officers are, and shall remain, appointees of the Constitutional Officers rather than employees of the County. Nothing in this policy shall alter or diminish the Constitutional Officers' duties and rights with respect to their employees under the Virginia Code, Title 15.2, Chapter 16, Article 5. The Constitutional Officers' employees shall not be covered by the County's grievance procedures.

2. Compensation. Employees of the Constitutional Officers shall participate and be included in the County's pay plan and merit evaluation system. Future compensation increases offered by the Commonwealth of Virginia through the Compensation Board will not be passed automatically to the employees of the Constitutional Officers because their employees will be covered by the County's pay plan and merit evaluation system. Notwithstanding the above, compensation for the employees of the Constitutional Officers will be no less than the compensation approved by the Compensation Board.

3. Benefits. All benefits of employment, including but not limited to health insurance, annual and sick leave (except as limited by state law, including Va. Code Section 15.2-1605), insurance protection, retirement programs, participation in deferred compensation programs, and other benefits available to Albemarle County employees will be available to the employees of the Constitutional Officers and governed by the personnel policies and procedures of Albemarle County.

4. County Personnel System. Without diminishing the Constitutional Officers' authority to appoint, hire or discharge their employees, Constitutional Officers must follow the County's personnel policies in force during the period of this policy except as otherwise required by law (such as the six-week vacation leave accrual limit imposed by Va. Code § 15.2-1605) and except as specifically excluded by this section. A list of the County's personnel policies in effect as of the date of this Resolution is attached. (Attachment A) The Constitutional Officers must follow all such policies **except** the following:

1. Assignment and Transfer (Policy P-38)
2. Employee Reduction in Force Procedures (Policy P-30)
3. Employee Discipline (Policy P-22)
4. Employee Grievance Procedure (Policy P-03)

5. Employee Relations Principles (Policy P-01)
6. Termination of Employment (Policy P-26)

The Constitutional Officers must comply with all Albemarle County Administrative Policies **except** AP-1 (Grants Process) and AP-5 (Media Relations) and all applicable state and Federal laws regarding FLSA, FMLA, and other such applicable statutes as applied to appointees of elected officials.

The County will provide assistance and services to the Constitutional Officers concerning the personnel matters referenced in this Resolution through its Department of Human Resources and its Finance Department. The Department of Human Resources will maintain all documents related to the employment of the employees of the Constitutional Officers except for documents related to payroll, which shall be maintained by the County's Finance Department. The Constitutional Officers will forward any such documentation to the appropriate County department in a timely fashion.

5. Limitations on Benefits to Constitutional Officers. The Constitutional Officers' employees will receive the compensation and benefits as set forth herein. Such compensation and benefits will be available to the Constitutional Officers only to the extent required by applicable State law, such as Va. Code § 15.2-1517(B) regarding group life, accident and health insurance.

6. Application of policy. This policy shall apply to Constitutional Officers upon their written election to include their employees under the County's compensation and benefits policies and shall remain in force for the duration of the Constitutional Officer's term in office (including terms for which such Constitutional Officer is re-elected), unless amended by the Board upon thirty (30) days prior written notice or upon the Constitutional Officer's election to remove the office's employees from the County's compensation and benefits policies upon thirty (30) days prior written notice. This policy may be modified or supplemented to address particular circumstances of a Constitutional Officer by an individualized written Memorandum of Understanding properly executed and approved by both the Constitutional Officer and the Board of Supervisors.

RESOLUTION

WHEREAS, the County of Albemarle is a Public Housing Agency (“PHA”) as defined by the U.S. Department of Housing and Urban Development (“HUD”) for the administration of the Housing Choice Voucher Program (HCV); and

WHEREAS, federal requirements for the HCV program include that each PHA maintain an Administrative Plan which sets forth policies for the administration of the program; and

WHEREAS, the Albemarle County Board of Supervisors (“Board”) approved an updated Administrative Plan on June 6, 2012 which was submitted to HUD for review and comment; and

WHEREAS, HUD’s comments required revision of the Administrative Plan; and

WHEREAS, the Administrative Plan has been revised based on HUD comments and guidance provided in HUD’s Notice PIH 2011-54(HA); and

WHEREAS, the Office of Housing is required to have the revised Plan approved by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County hereby approves the revised Administrative Plan and authorizes the Chief of Housing to implement the policies set forth in the plan.

Resolution to Support Restoration of State Funding For Aid to Localities

WHEREAS, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in FY09 and almost \$500 million less in FY13 than in FY09; and

WHEREAS, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

WHEREAS, the Appropriation Act contains \$50 million in across-the-board cuts to cities and counties for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the Commonwealth"); and

WHEREAS, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, the County of Albemarle does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

WHEREAS, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, the County of Albemarle remitted \$592,574 in FY12 and will be required to remit another \$490,565 in FY13; and

WHEREAS, cities and counties will have provided the state with \$270 million by the close of FY13 for this "Local Aid to the Commonwealth" program; and

WHEREAS, these reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, state revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

WHEREAS, revenue collections for the County of Albemarle continue to reflect the struggling housing market; and

WHEREAS, the state should not shift its share of the costs for mandates and responsibilities to local governments.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14;

AND BE IT FURTHER RESOLVED, that the members of the General Assembly are requested to support a budget amendment in the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

CONDITIONS OF APPROVAL ON PLANNING ITEMS

SP-2011-00011 - Lewis Bridge over Doyle's River

1. The applicant shall obtain approval from FEMA for changes to the floodplain, and update the FEMA maps. This shall include FEMA's conditional approval prior to the start of construction.
2. The applicant shall obtain County Engineer approval of plans for the bridges and abutments prior to the start of construction.
3. The applicant shall obtain Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements prior to the start of construction, regardless of whether the project exceeds the minimum disturbance limits.
4. The applicant shall obtain all necessary federal and state agency approvals prior to the start of construction (Army Corps of Engineers, Department of Environmental Quality, etc.).
5. The applicant shall obtain Program Authority approval of a mitigation plan prior to the start of construction, and provide mitigation according to the Water Protection Ordinance.

SP-2012-00009 - Southwood Boys & Girls Club Expansion

1. Development shall be in general accord with the concept plan titled Southwood Boys and Girls Club Expansion, dated April 13, 2012 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, the proposed building and existing building renovation and use shall reflect the following major elements within the site essential to the design of the site, as shown on the Concept Plan:
 - Location of buildings, uses, and structures, inclusive of the minimum setback for the new structure from Bitternut Lane must be fifteen (15) feet;
 - Location of parking areas; and
 - Location of outdoor play area

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and
2. The parking study is based on a maximum of one hundred twenty (120) children. There shall be no more than one hundred twenty (120) children at any one time served at this location of the Boys and Girls Club.

SP201200012 Regents School of Charlottesville

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in spaces designated on the concept plan as P1, P2, and P3. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit.
2. Maximum enrollment shall be sixty (60) students.
3. All students shall be over the age of two and one-half (2 ½) years old.
4. Hours of operation for the school shall be between 7:45 a.m. to 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
5. No food preparation is permitted onsite without an amendment to this Special Use Permit.

Albemarle County 2013 Legislative Priorities

Growth Management, Land Use and Transportation

Biosolids—Support legislation enabling localities, as 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.

Inoperable vehicles—Request legislation to amend Virginia Code § 15.2-905 to include Albemarle County as a locality enabled to restrict the number of inoperable vehicles which may be kept outside of an enclosed building or structure on residential or commercial property.

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

Sign removal in the right-of-way—Request legislation to amend Virginia Code § 33.1-373 to enable localities to retain the civil penalties collected from illegal sign removal in the right-of-way.

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.