

**ACTIONS**  
**Board of Supervisors Meeting of January 9, 2013**

January 11, 2013

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. <ul style="list-style-type: none"> <li>• Meeting was called to order at 9:03 a.m. by the County Executive, Mr. Foley. All BOS members were present. Also present were Larry Davis, Ella Jordan and Travis Morris.</li> </ul>		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>• Moved to 9c.</li> </ul>		
5. Election of Chairman. <ul style="list-style-type: none"> <li>• By a vote of 3:3 (Dumler/Mallek/Rooker), the nomination to elect Duane Snow as Chairman for Calendar Year 2013 failed.</li> <li>• By a vote of 3:3 (Dumler/Mallek/Rooker), the nomination to elect Rodney Thomas as Chairman for Calendar Year 2013 failed.</li> <li>• By a vote of 3:3 (Dumler/Mallek/Rooker), the nomination to elect Dennis Rooker as Chairman for Calendar Year 2013 failed.</li> <li>• Mr. Foley closed the nominations process and stated that due to the failure to elect a new Chairman, the most recently elected Chairman continues as Chairman. Ms. Mallek took over as Chairman.</li> </ul>		<a href="#">Listen</a>
6. Election of Vice-Chairman. <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ELECTED</b> Duane Snow as Vice-Chairman for Calendar Year 2013.</li> </ul>		
7. Appointment of Clerk. <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>REAPPOINTED</b> Ella Jordan as Clerk and Travis Morris as Senior Deputy Clerk for Calendar Year 2013.</li> </ul>		
8. Board 2013 Calendar. <p>a. Set Meeting Times, Dates and Places for Calendar Year 2013.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>SET</b> 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. Set the meeting dates for <b>January 2014</b> for: January 8 – 9:00 a.m., and January 15 – 6:00 p.m.</li> </ul> <p>b. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>SET</b> as follows: September 11 and December 11, 2013 and March 13, and June 12, 2014.</li> </ul>	<p>Clerk: Advertise in <u>The Daily Progress</u> and post notice on door of Lane Auditorium.</p> <p>Clerk: Advertise in <u>The Daily Progress</u> as required by Section 33.10.2 of the Zoning Ordinance.</p>	
9. Adoption of Rules of Procedures/Policies. <p>a. Rules of Procedure.</p> <ul style="list-style-type: none"> <li>• Mr. Boyd proposed that under Section A, Officer, Item 3, term limits be set for the Chairman seat. He recommended that the current Chairman serve a two year term and then the position automatically pass on to the next senior Board member. <b>CONSENSUS</b> to discuss during Other</li> </ul>	<p>Clerk: Forward copy to Board members, County Attorney and Community Development. (Attachment 1)</p>	

<p>Matters at the end of the agenda.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED.</b></li> </ul> <p>b. Boards and Commissions Policy.</p> <ul style="list-style-type: none"> <li>• By a vote of 3:3 (Boyd/Snow/Thomas), adoption of the policy for Boards and Commissions failed.</li> <li>• <b>CONSENSUS</b> to discuss during Other Matters at the end of the agenda.</li> </ul>		
<p>9c. Adoption of Final Agenda.</p> <p><u>Mr. Thomas</u></p> <ul style="list-style-type: none"> <li>• Added a discussion on adding a seventh member to the Board.</li> <li>• Added a discussion of CAT proposed new Route 11</li> </ul> <p><u>Mr. Boyd</u></p> <ul style="list-style-type: none"> <li>• Added a discussion on the procedure used for how lines on a master plan are becoming a guideline for land use decisions.</li> </ul> <p><u>Mr. Dumler</u></p> <ul style="list-style-type: none"> <li>• Asked for Board consensus to schedule petitions that would normally have been scheduled on February 13<sup>th</sup> on that date instead of putting them off until March.</li> </ul> <p><u>Ms. Mallek</u></p> <ul style="list-style-type: none"> <li>• Added a discussion on what is required of petitions for street lights.</li> <li>• Added a discussion on clarification for the process for truck restrictions on Earlysville Road.</li> <li>• Asked when the Board would be discussing the list of funding items to send to the CACVB.</li> <li>• Asked for a briefing by the County Attorney on how the law that was passed last year about off-site use of stormwater facilities affects the Woodbrook lagoon.</li> <li>• Asked for an update on funding changing to the proposed firing range.</li> </ul>		
<p>10. Brief Announcements by Board Members.</p> <p><u>Mr. Thomas:</u></p> <ul style="list-style-type: none"> <li>• Provided update on decibel levels of Rockydale Quarry. A report will be coming to the Board in the near future.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Announced that on January 28<sup>th</sup> the Albemarle County Agri-Business Marketing Conference held at the COB.</li> <li>• Announced that Mr. John “Plu” Bailey passed away at the end of December. He worked for VDoT in this area for 45 years and was a major mainstay in the County’s road operations.</li> </ul>		
<p>11. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Cathryn Kloetzli</u>, from Virginia Cooperative Extension, spoke about their program: Economic Sustainability: Keeping Local Food Safe.</li> </ul> <p><u>The following individuals spoke about the proposed police firing range:</u></p> <ul style="list-style-type: none"> <li>• Laurel Davis</li> <li>• Sophia Davis</li> </ul>		<p><a href="#">Listen</a></p>

	<ul style="list-style-type: none"> <li>• Doug McAdams</li> <li>• John Eichenberger</li> <li>• Jeff Werner</li> <li>• Richard Sipes</li> <li>• Harold Pilar</li> <li>• <u>Joyce Walker</u>, a resident of 5135 Piney Mountain Road, expressed concerns about the approved special permit for New Hope Church.</li> <li>• <u>Charles Boldt</u>, a resident of 5260 Piney Mountain Road, expressed concerns about the approved special permit for New Hope Church.</li> <li>• <u>Paul Fox</u>, a resident of Forest Lakes, asked the Board to find a way to work together.</li> </ul>		
12.2	<p>Cascadia - Special exception to waive overlot grading plan standards for driveways.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the special exception subject to four conditions.</li> </ul>	<u>Clerk</u> : Set out conditions. (Attachment 2)	
12.3	<p>Road name change of Shoppers World Court to Twentyninth Place Court.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> changing the road name of Shoppers World Court to Twentyninth Place Court and authorized staff to implement the change.</li> </ul>	<u>Tex Weaver</u> : Proceed as approved.	
12.4	<p>FY2013 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> appropriations #2013058, #2013059, #2013060 and #2013061.</li> </ul>	<u>Clerk</u> : Notify OMB, Finance and appropriate individuals.	
12.5	<p>Region Ten Line of Credit Request.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution authorizing the Region Ten Community Services Board to apply for and accept a line of credit subject to the terms and conditions of the Resolution.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to County Attorney's office. (Attachment 3)	
12.6	<p>Regional Joint Resolution of Support for the Proposed Eastward Continuation &amp; Extension of the Lewis &amp; Clark National Historic Trail.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Lee Catlin and County Attorney's office. (Attachment 4)	
13.	<p>Presentation: Albemarle County Service Authority Quarterly Update, Gary O'Connell, Executive Director.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
14.	<p>Presentation: Rivanna Water and Sewer Authority Quarterly Update, Tom Frederick, Executive Director.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
15.	<p>Presentation: Update on FY13-17 Strategic Plan, Louise Wyatt.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
	<p><b>Recess.</b> At 11:05 a.m., the Board took a recess and then reconvened at 11:19 a.m.</p>		
16.	<p>Amendment to the ECC Joint Exercise of Powers Agreement, Tom Hansen.</p> <ul style="list-style-type: none"> <li>• <b>AUTHORIZED</b> a Notice of Intent to adopt proposed Ordinance to approve Addendum #2 to the joint exercise of powers Agreement for the Emergency Communications Center for the Board's February 6, 2013 meeting.</li> </ul>	<u>Clerk</u> : Advertise and schedule on February 6 <sup>th</sup> agenda.	<a href="#">Listen</a>
17.	<p>Ordinance to Amend the Open Burning Provisions in Chapter 6, Fire Protection, of the County Code.</p>	<u>Clerk</u> : Forward copy to Fire and Rescue office, and County Attorney's office. (Attachment 5)	

	<ul style="list-style-type: none"> <li>• <b>ADOPTED</b> ordinance to amend the open burning provisions of the County Code.</li> </ul>		
18.	<p>Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>• At 12:01 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or request for reappointments; under subsection (7) to consult with and be briefed by legal counsel and staff regarding the Restore-N-Station litigation because a public discussion would adversely affect the litigating posture of the County; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the negotiation of a regional public safety agreement.</li> </ul>		
19.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 1:43 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
20.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> <li>• <b>REAPPOINTED</b> Mr. Ross Stevens to the ACE Appraisal Review Committee, with said term to expire December 31, 2013.</li> <li>• <b>REAPPOINTED</b> Mr. Frederick Missel to the Architectural Review Board, with said term to expire November 14, 2016.</li> <li>• <b>REAPPOINTED</b> Mr. Steve Sellers to the James River Alcohol Safety Action Program, with said term to expire January 1, 2016.</li> <li>• <b>REAPPOINTED</b> Mr. Charles Newton, Mr. Lloyd Wood, Mr. Hawkins Dale, Ms. Heather Stokes, Mr. Henry Weinschenk, Mr. Peter Skoro and Mr. Robert Short to the Places 29 Community Advisory Council, with said terms to expire January 31, 2016.</li> <li>• <b>REAPPOINTED</b> Mr. Steve Elliott to the Thomas Jefferson Emergency Medical Service Council, with said term to expire January 1, 2016.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	<p><a href="#">Listen</a></p>
21.	<p>Industrial Hemp Presentation, James D. Politis, Chairman of Board, Montgomery County.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> <li>• <b>REQUESTED</b> that staff provide additional information.</li> </ul>	<p><u>Clerk:</u> Schedule on February 6, 2013 agenda.</p>	
22.	<p>Presentation: VDoT Quarterly Report, Joel DeNunzio.</p> <ul style="list-style-type: none"> <li>• Highlighted various items from VDoT's monthly report.</li> <li>• Asked if Board members would like to meet with him individually to ride along on County roads and talk about their areas of concerns.</li> <li>• Announced that the Barracks Farm Road safety speed study is underway.</li> <li>• Announced that the warrant study for a signal at Route 250 and Tillman Road was complete.</li> <li>• Announced that the Route 1493 Franklin Drive speed study was complete and the speed limit</li> </ul>		

<p>has been reduced to 25 mph.</p> <ul style="list-style-type: none"> <li>• Announced that he has received the preliminary report that was requested on the U-Turn conflict at Route 250/Route 20 intersection.</li> <li>• Announced that signs have been installed at all approaches of Polo Grounds Road recommending that trucks not use the underpass as a through lane.</li> <li>• Announced that signs will be installed on either side of the road so people coming off of Old Trail Drive will know what times they are in a School Zone.</li> </ul> <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> <li>• Asked if there was a way to do traffic calming at the intersection of Route 250 and Tillman Road.</li> <li>• Thanked Mr. DeNunzio for getting the line of sight cleared off of Route 6 at Porters Road, and discussed installation of school signage and speed reduction measures in that area.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>• Asked for the status of the school crossing signs in Forest Lake at Powell Creek and Ashwood Blvd.</li> <li>• Asked for an update on the Black Cat Road Bridge.</li> <li>• Asked for an update on the through truck restriction process and requested information on the requirements of the petition process to initiate a through truck restriction on Black Cat Road.</li> <li>• Asked if the survey on Fox Mill Road has been completed.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Announced that she has started the petition process for a through truck restriction on Earlysville Road.</li> <li>• Asked for an update on the extension of Browns Gap Turnpike, and asked about the maintenance, if the road was either discontinued or abandoned.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• Asked if the flashing warning sign approaching NGIC on Route 29 would be more effective if it flashed only when the traffic light was red.</li> <li>• Asked if the sign on Polo Grounds Road said “No Through Trucks” or “No Trucks”.</li> </ul>		
<p>23. Presentation: JAUNT’S FY12 Annual Report, Donna Shaunessey.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
<p>24. 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"> <li>• <b>DISCUSSED</b> adding a seventh Supervisor.</li> <li>• By <b>CONSENSUS</b> decided not to add a seventh Supervisor</li> <li>• <b>DISCUSSED</b> the enhancement of CAT Route 11.</li> </ul> <p><u>Ken Boyd:</u></p>		<p><a href="#">Listen</a></p>

<ul style="list-style-type: none"> <li>• <b>DISCUSSED</b> the technical cleanup process of master plans without going through the Comprehensive Plan process.</li> <li>• Announced that staff has been working with the local electoral board and Del. Rob Bell on a resolution for the split precinct situation in Free Bridge.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• By a vote of 5:1 (Boyd), <b>APPROVED</b> motion to reconsider the previous action on the adoption of the Boards and Commissions Policy.</li> <li>• By a vote of 5:1 (Boyd), <b>ADOPTED</b> the Boards and Commission Policy.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Announced that streetlights were needed at Clover Lawn to help with the safety of people crossing the street, and asked staff to send Board members a copy of the streetlight petition policy.</li> <li>• Asked why the North Town Center is not buying into the Woodbrook lagoon and asked staff to look into how it is allowed to happen.</li> <li>• Explained the concerns of citizens with the Board's approval of the special use permit issued to New Hope Church.</li> </ul>	<p><u>Clerk:</u> Set out in attachment 6.</p>	
<p>25. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Announced that staff has already responded to the VCOG report and has made the budget easier to access.</li> <li>• Announced that staff is working on providing the information requested by the Board on sound mitigation for the proposed firing range, including a canopy over one of the shooting ranges. Chief Sellers is working with the community on operating guidelines.</li> <li>• Clarified that staff did not move any previously scheduled items off of the February 13, 2013 agenda to allow for the public hearing on the proposed firing range.</li> <li>• Announced that all of the items that were previously in the budget that could be supported by tourism have been sent to the CACVB.</li> </ul>		
<p>26. Adjourn to January 16, 2013, 4:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 4:39 p.m.</li> </ul>		

ewj/tom

Attachment 1 – Rules of Procedures

Attachment 2 – Conditions for Cascadia – Special exception

Attachment 3 – Resolution - Region Ten

Attachment 4 – Regional Joint Resolution of Support for the Proposed Eastward Continuation & Extension of the Lewis & Clark National Historic Trail

Attachment 5 – Ordinance to Amend the Open Burning Provisions in Chapter 6, Fire Protection, of the County Code

Attachment 6 – Boards and Commissions Policy

## 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*.

\* \* \* \* \*

(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; 1-9-2013).

**Conditions of Approval  
Cascadia - Special exception**

1. Driveways shall be at least seven (7) feet in length, measured from the edge of pavement of the alley or street to the garage.
2. Driveway grades shall be eight (8) percent or less. The grade transition on the driveway shall not exceed ten (10) percent.
3. Vehicles parked in driveways shall not block the sidewalk.
4. No vehicles shall be parked within the segment of a driveway that is within a public right of way.

**A RESOLUTION  
AUTHORIZING REGION TEN COMMUNITY SERVICES BOARD  
TO APPLY FOR AND ACCEPT LOANS**

**WHEREAS**, Region Ten Community Services Board (“Region Ten”) was established by the City of Charlottesville and the Counties of Albemarle, Fluvanna Greene, Louisa and Nelson (the “Localities”) as required by § 37.2-500 *et seq.* of the Code of Virginia, 1950, as amended, to provide mental health, intellectual disability and substance abuse services to the residents of the Localities; and

**WHEREAS**, the services provided by Region Ten are more particularly described in an annual Performance Contract with the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services, which is subject to review and approval by the Board of Supervisors of Albemarle County (the “County”); and

**WHEREAS**, the County will make quarterly payments to Region Ten for the provision of comprehensive services and for the County’s drug treatment program, and Region Ten will also receive reimbursement funding from the Commonwealth of Virginia, the federal government and other Localities; and

**WHEREAS**, in order to pay operational expenses Region Ten has previously relied on loans and other financing obtained through Region Ten Community Services Board, Inc. (“Region Ten, Inc.”), the private nonprofit corporation formed to assist Region Ten in the fulfillment of its mission; and

**WHEREAS**, Region Ten now wishes to obtain a loan or other financing in its own name for purposes of cash flow management and for the payment of operational expenses; and

**WHEREAS**, § 37.2-504.A.11. of the Code of Virginia, 1950, as amended, requires that community services boards may “apply for and accept loans as authorized by the governing body of each city or county that established it” and Region Ten seeks the County’s authorization solely to meet that statutory requirement; and

**WHEREAS**, Region Ten is seeking authorization from the governing body of each Locality to apply for and accept a loan or line of credit in an amount up to \$2,000,000 that creates no legally enforceable obligation extending one year beyond the date on which the obligation is incurred (the “Line of Credit”); and

**WHEREAS**, Region Ten and the Localities understand and agree that the obligations under the Line of Credit are not to constitute a debt or pledge of the full faith and credit of the Localities and shall not impose any liability on the Localities, nor is the requested authorization a guarantee (on the part of the Localities of the Line of Credit).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors for the County of Albemarle, Virginia that the Board of Supervisors hereby authorizes Region Ten Community Services Board to apply for and accept a line of credit consistent with §§ 15.2-2629 or 15.2-2630 of the Code of Virginia or a loan otherwise structured so as not to constitute “debt” subject to Article VII, § 10(b) of the Constitution of Virginia in an amount up to \$2,000,000 and such authorization shall include the right to renew such lines of credit or obtain new lines of credit provided such renewals or new lines of credit do not exceed \$2,000,000 in the aggregate and are subject to the terms and conditions of this resolution; and

**BE IT FURTHER RESOLVED** that the authorization of the Line of Credit will not constitute an endorsement to any lender of the creditworthiness of Region Ten nor will it be a guarantee of the Line of Credit. Furthermore, the County shall not be obligated to pay nor to guarantee any debt incurred by Region Ten as a result of the Line of Credit applied for and accepted by Region Ten, nor any interest or other costs associated therewith. Accordingly, no debt of Region Ten and no loans shall constitute a debt or pledge of the faith and credit of the County or any of the other Localities, and the taxing power of the County or any of the other Localities shall not be pledged thereto. The substance and effect of this paragraph shall be expressly set forth in the loan documents for any loan or line of credit obtained by Region Ten so as to ensure that the lending institution clearly understands this relationship of the County and the other Localities to the obligation; and

**BE IT FURTHER RESOLVED** that the authorization provided for in the foregoing resolutions is subject to like authorization being received from the governing bodies of the other Localities.

**Regional Joint Resolution of Support  
for the Proposed Eastward Continuation & Extension of the  
Lewis & Clark National Historic Trail**

**WHEREAS**, the **Lewis and Clark National Historic Trail** was officially established by U.S Congress in 1978;

**WHEREAS**, the National Historic Trail extends west of the Mississippi River and across the United States in commemoration of the Meriwether Lewis and William Clark Expedition of 1803 to 1806;

**WHEREAS**, the National Park Service has been directed by Congress to conduct a special resource study to assess the suitability and feasibility of an extension of the Lewis & Clark National Historic Trail east of the Mississippi River, adding sites and overland routes followed by Meriwether Lewis and William Clark, whether independently or together, prior to and following the expedition;

**WHEREAS**, the National Park Service is considering a Virginia historic trail segment in a region consisting of Albemarle, Augusta, Botetourt, and Rockbridge Counties;

**WHEREAS**, the connection to Lewis & Clark to the four counties had historical significance to the westward expansion and development of the United States and to both the personal and professional lives of the two explorers, members of their expedition, and Native American Chief Sheheke and his family;

**WHEREAS**, the historical connection of Lewis and Clark to the counties of Albemarle, Augusta, Botetourt, and Rockbridge is well documented;

**WHEREAS**, the Clark, Lewis, and Meriwether families were among the first to settle the region of central Virginia that now encompasses Albemarle, Goochland, and Caroline counties and several members of these families helped initiate America's westward expansion, including George Rogers Clark, William Clark, Meriwether Lewis, and Reuben Lewis, who traveled west with his brother and served as a liaison among the Indian tribes;

**WHEREAS**, the original log house that was the boyhood home of Meriwether Lewis was built early in the 1760s on the nearly 2000 acres that make up plantation known as Locust Hill in Albemarle County;

**WHEREAS**, Albemarle County was home to Thomas Jefferson, who as newly elected president in 1801 invited Meriwether Lewis to become his private secretary and aide-de-camp and it was during his service as private secretary to Jefferson that Meriwether Lewis and the president prepared for the journey west and formed the Corps of Discovery; and

**WHEREAS**, the proposed eastward extension of the Lewis and Clark National Historic Trail would greatly enhance the opportunity to showcase the famous explorers' connection to and related history of Albemarle County, as well as potentially increase visitors with positive impact on the county's tourism industry;

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors, in cooperation with adjacent and regional localities similarly impacted by the historic efforts of the Lewis and Clark Expedition, fully supports and endorses the continuation and extension of the Lewis and Clark National Historic Trail to all appropriate venues associated with or visited by the two explorers in the four counties both before and after the great expedition that occurred between 1803 and 1806.

**ORDINANCE NO. 13-6(1)**

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE IV, BURNING OF BRUSH, ETC., OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 6, Fire Protection, Article IV, Burning of Brush, etc., is hereby amended and reordained as follows:

By Amending:

Sec. 6-403	Definitions
Sec. 6-404	Prohibitions on open burning
Sec. 6-406	Permissible open burning
Sec. 6-407	Permits

**Chapter 6. Fire Protection****Article IV. Burning of Brush, etc.**

...

**Sec. 6-403 Definitions.**

For the purpose of this article and subsequent amendments or any orders issued by Albemarle County, the words or phrases shall have the meaning given them in this section.

(1) *Automobile graveyard.* The term "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

(2) *Built-up area.* The term "built-up area" means any area with a substantial portion covered by industrial, commercial or residential buildings.

(3) *Clean burning waste.* The term "clean burning waste" means waste that is not prohibited to be burned under this ordinance and that consists of only (i) 100% wood waste, (ii) 100% clean lumber or clean wood, (iii) 100% yard waste, or (iv) 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

(4) *Clean lumber.* The term "clean lumber" means wood or wood products that have been cut or shaped and includes wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

(5) *Clean wood.* The term "clean wood" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

(6) *Commercial waste.* The term "commercial waste" means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

(7) *Construction waste.* The term "construction waste" means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials shall be in accordance with the regulations of the Virginia Waste Management Board.



(8) *Debris waste.* The term “debris waste” means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

(9) *Demolition waste.* The term “demolition waste” means that solid waste that is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

(10) *Garbage.* The term “garbage” means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

(11) *Hazardous waste.* The term “hazardous waste” means a “hazardous waste” as described in 9 VAC 20-60 (Hazardous Waste Management Regulations).

(12) *Household waste.* The term “household waste” means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) that is regulated by other state agencies.

(13) *Industrial waste.* The term “industrial waste” means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

(14) *Junk.* The term “junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(15) *Junkyard.* The term “junkyard” means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(16) *Landfill.* The term “landfill” means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See Part 1 (9 VAC 20-81-10 et seq.) of 9 VAC 20-81 (Solid Waste Management Regulations) for further definitions of these terms.

(17) *Local landfill.* The term “local landfill” means any landfill located within the jurisdiction of a local government.

(18) *Open burning.* The term “open burning” means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to produce sufficient residence time and mixing for complete combustion; and
3. Control of the combustion products' emission.

(19) *Open pit incinerator.* The term “open pit incinerator” means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors and over draft incinerators.

(20) *Refuse.* The term “refuse” means all solid waste products having the characteristics of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up spoils or contamination or other discarded materials.

(21) *Salvage operation.* The term “salvage operation” means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

(22) *Sanitary landfill.* The term “sanitary landfill” means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial solid waste. See Part I (9 VAC 20-81-10 et seq.) of 9 VAC 20-81 (Solid Waste Management Regulations) for further definitions of these terms.

(23) *Smoke.* The term “smoke” means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

(24) *Special incineration device.* The term “special incineration device” means an open pit incinerator, conical or tepee burner, or any other device specifically designed to provide good combustion performance.

(25) *Wood waste.* The term “wood waste” means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes.
3. Clean lumber.

(26) *Yard waste.* The term “yard waste” means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

(Code 1988, § 9-21.3; Ord. 98-A(1), 8-5-98)

#### **Sec. 6-404 Prohibitions on open burning.**

A. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of refuse except as provided in this ordinance.

B. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of rubber tires, asphaltic materials, crankcase oil impregnated wood or other rubber or petroleum based materials except when conducting bona fide fire fighting instruction at fire fighting training schools having permanent facilities.

C. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of hazardous waste or containers for such materials.

D. No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the disposal of commercial/industrial waste.

E. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of household waste or garbage.

F. Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries which may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having

jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to § 10.1-1142 of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.

G. Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in Part VII of the Regulations for the Control and Abatement of Air Pollution or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

(Code 1988, § 9-22; Ord. 98-A(1), 8-5-98)

**Sec. 6-406 Permissible open burning.**

A. Open burning is permitted for the disposal of leaves and tree, yard and garden trimmings located on the premises of private property, provided that the following conditions are met:

1. the burning takes place on the premises of the private property; and
2. the location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted.

B. Open burning is permitted for disposal of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or any other clearing operations which may be approved by the fire official, provided that all of the following conditions are met:

1. all reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the fire official;
2. the material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
3. the burning shall be at least 500 feet from an occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
4. the burning shall be conducted at the greatest distance practicable from highways and air fields;
5. the burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
6. the burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
7. the burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

C. Open burning is permitted for disposal of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas provided that all of the following conditions are met:

1. the burning shall take place on the premises of a local sanitary landfill which meets the provisions of the regulations of the Virginia Waste Management Board;
2. the burning shall be attended at all times;

3. the material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning construction waste, clean burning debris waste, or clean burning demolition waste;

4. all reasonable effort shall be made to minimize the amount of material that is burned;

5. no materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board.

The exact site of the burning on a local landfill shall be established in coordination with the regional director and the fire official; no other site shall be used without the approval of these officials. The fire official shall be notified of the days during which the burning will occur.

(Code 1988, § 9-22.1; Ord. 98-A(1), 8-5-98)

#### **Sec. 6-407 Permits.**

A. When open burning of debris waste (section 6-406(B)) or open burning of debris on the site of a local landfill (section 6-406(C)) is to occur within Albemarle County, the person responsible for the burning shall obtain a permit from the fire official prior to the burning. Such a permit may be granted only after confirmation by the fire official that the burning can and will comply with the provisions of this ordinance and any other conditions which are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by fire official.

B. Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the fire official, such permits to be granted only after confirmation by the fire official that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met which are deemed necessary by the fire official to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:

1. all reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood;

2. the material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;

3. the burning shall be at least 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the fire official determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased;

4. the burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials;

5. the burning shall be conducted only when the prevailing winds are away from any city, town or built-up area;

6. the use of special incineration devices shall be allowed only for the disposal of debris waste, clean burning construction waste, and clean burning demolition waste; and

7. permits issued under this paragraph shall be limited to a specific period of time deemed appropriate by the fire official.

C. An application for a permit under section 6-407(A) or 6-407(B) shall be accompanied by a processing fee as set forth in the fee schedule maintained by the fire official, as may be amended from time to time.

(Code 1988, § 9-24; Ord. 98-A(1), 8-5-98)

**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; 01-09-2013)