

**ACTIONS**  
**Board of Supervisors Meeting of January 8, 2014**

January 9, 2014

<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 9:01 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>		<a href="#">Listen</a>
4. Election of Chairman. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ELECTED</b> Jane Dittmar as Chair for Calendar Year 2014.</li> </ul>		
5. Election of Vice-Chairman. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ELECTED</b> Diantha McKeel as Vice-Chair for Calendar Year 2014.</li> </ul>		
6. Appointment of Clerk and Senior Deputy 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 2014.</li> </ul>		
7. Board 2014 Calendar. <p>a. Set Meeting Times, Dates and Places for Calendar Year 2014.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>SET</b> the meeting times, dates and places for Calendar Year 2014 as follows: first Wednesday of the month - 9:00 a.m., and the second Wednesday of the month - 6:00 p.m., with said meetings to be held in the County Office Building on McIntire Road; and <b>SET</b> the meeting dates for January 2015 as January 7 – 9:00 a.m., and January 14 – 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> the dates hearing Zoning Text Amendments requested by citizens s for September 10, 2014, December 10, 2014, March 11, 2015 and June 10, 2015.</li> </ul>	<p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> and post notice on door of Lane Auditorium.</p> <p><u>Clerk:</u> Advertise in <u>The Daily Progress</u> as required by Section 33.10.2 of the Zoning Ordinance.</p>	
8. Adoption of Rules of Procedures/Policies. <p>a. Rules of Procedure.</p> <ul style="list-style-type: none"> <li>By a vote of 5:1 (Boyd), <b>AMENDED</b> Section H, Suspension of Rules of Procedures, to read “These Rules of Procedure may be suspended by a majority plus one vote of the Board members present and voting.”</li> <li>By a vote of 5:1 (Boyd), <b>ADOPTED</b> the Rules of Procedures.</li> </ul> <p>b. Boards and Commissions Policy.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0 <b>ADOPTED</b> the Boards and Commissions Policy.</li> </ul>	<p><u>Clerk:</u> Forward copy to Board members, County Attorney and Community Development. (Attachment 1)</p> <p>(Attachment 2)</p>	
9. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>Mr. Boyd added for discussion consideration of fast tracking special use permit application for the American Heart Association’s annual event at the Trump Winery.</li> <li>By a vote of 6:0, <b>ADOPTED</b> final agenda.</li> </ul>		
10. Brief Announcements by Board Members.		

<p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>Reiterated his request to fast track the Heart Association's special use permit application. Agreed to discuss at the end of the agenda under other matters from the Board.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Highlighted the Supervisors' attendance at the VACo County Supervisors' Forum.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Asked for an update on fireworks procedures including possible change to fees to recover inspection costs.</li> <li>Asked for update on process for illegal signs.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Highlighted events from the School's Board-to-Board report.</li> <li>Requested, for the Board's February 5<sup>th</sup> agenda, a discussion regarding establishing a February date for a public hearing on the Route 29 Western bypass. Include in the information provided to Board a summary of all public engagement on the Bypass since the June 8, 2011 vote.</li> </ul>	<p><u>County Executive:</u> Provide information when available.</p> <p><u>Clerk:</u> Schedule on February 5<sup>th</sup> agenda.</p>	
<p>11. Recognitions:</p> <p>a. Tom Labelle, Division Chief for Volunteer Services.</p> <ul style="list-style-type: none"> <li><b>Received.</b></li> </ul> <p>b. GFOA Budget Award.</p> <ul style="list-style-type: none"> <li><b>Received.</b></li> </ul> <p>c. Other Recognitions:</p> <ul style="list-style-type: none"> <li>Ms. Mallek recognized Scott Leake, from Congressman Hurt's office, who was present in the audience.</li> </ul>		<p><a href="#">Listen</a></p>
<p>12. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following individuals spoke regarding the proposed Route 29 Bypass:</u></p> <ul style="list-style-type: none"> <li>John Martin</li> <li>Nora Seilheimer</li> <li>Kirk Bowers (including additional funding in the FY 2014-2015 budget)</li> <li>Matt Neurock</li> <li>Richard McGrain</li> <li>Scott VandePol</li> <li>Jack Marshall</li> <li><u>Rodney Rich</u> spoke about closing of the Ivy MUC.</li> <li><u>Colleen O'Connor</u> spoke about the benefits of solar panels.</li> <li><u>Morgan Leake</u> spoke about the proposed special use permit for a golf course on property adjacent to the Trump Winery.</li> <li><u>Joe Draego</u> spoke about the County's traffic surveillance cameras.</li> <li><u>Scott Leake</u>, representing Congressman Hurt, offered their assistance whenever needed.</li> <li><u>Charles Battig</u> spoke about the proposed Comp Plan schedule.</li> <li><u>Anna Brown, Shauntel Pate, Phoebe Nash,</u></li> </ul>		<p><a href="#">Listen</a></p>

<p><u>Sean Roach and Tom Stanton</u>, students from Monticello High School, spoke about paid firefighters not being able to volunteer in the County.</p> <ul style="list-style-type: none"> <li>• <u>Tom Olivier</u> spoke about the proposed Comp Plan, the funding the FY 2014-2015 budget, the County's Economic Development policy, and managing growth in the County.</li> <li>• <u>Anne Linden</u> asked the Board to implement a program to reduce resident's exposure to diseases caused by deer ticks.</li> <li>• <u>Jeff Werner</u> spoke about the proposed Comp Plan.</li> </ul> <p><u>The following individuals spoke regarding County support of CAT:</u></p> <ul style="list-style-type: none"> <li>• Kathy Welch</li> <li>• Lena Seville</li> <li>• Sandy Payne</li> </ul>		
<p>13.2 FY 2014 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> appropriations #2014064, #2014065, #2014066, #2014067, #2014068, and #2014070 for various school division and general government projects and programs.</li> </ul>	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals.</p>	
<p>13.3 Resolution to accept Roads in Ragged Mountain Farm Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to VDoT, Community Development and County Attorney's office.</p>	<a href="#">Listen</a>
<p>13.4 Cancel January 15, 2014 Board meeting.</p> <ul style="list-style-type: none"> <li>• <b>CANCELLED</b> meeting.</li> </ul>	<p><u>Clerk:</u> Notify appropriate individuals.</p>	
<p>13.5 Fiscal Year 2014 County of Albemarle &amp; State Health Department Local Government Agreement.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the FY 14 County of Albemarle &amp; State Health Department Local Government Agreement and <b>AUTHORIZED</b> the County Executive to execute Agreement.</li> </ul>	<p><u>County Attorney:</u> Provide Clerk with fully execute copy of agreement.</p>	
<p>14. Regional Public Safety Firearms Training Center.</p> <ul style="list-style-type: none"> <li>• For the public engagement plan, <b>DIRECTED</b> staff to look at a 1,000 foot radius from the site to consider direct notification of the property owners.</li> <li>• <b>DIRECTED</b> staff to incorporate into the plan standard County processes that are consistent with those used by all developers.</li> <li>• By a vote of 6:0, <b>AUTHORIZED</b> staff to proceed with the procurement of an architectural firm or individual to perform the design services; and <b>ENDORSED</b> the public engagement plan as modified by the Board.</li> </ul>	<p><u>County Executive/OFD:</u> Proceed as approved.</p>	<a href="#">Listen</a>
<p>15. Biannual Update on FY13-17 Strategic Plan.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
<p>16. VDoT Report – Joel DeNunzio.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
<p>17. Piedmont Council of the Arts Cultural Plan, Sarah Lawson.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ENDORSED</b> the six long range goals of the <i>Create Charlottesville/ Albemarle</i> Cultural Plan.</li> </ul>		<a href="#">Listen</a>
<p>18. The Journey Through Hallowed Ground, Cate Magennis Wyatt.</p>		<a href="#">Listen</a>

	<ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
19.	<p>Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>• At 12:11 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 requests for reappointments; 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 Fair Labor Standards Act; 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; and under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the cost recovery program for emergency service transports and the negotiation of an agreement for further implementing a cooperative cost recovery program for emergency service transports.</li> </ul>		<a href="#">Listen</a>
20.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 1:46 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
21.	<p>Boards and Commissions:</p> <ol style="list-style-type: none"> <li>a. Board Member Committee Appointments.</li> <li>b. Boards and Commissions Vacancies and Appointments.</li> </ol> <ul style="list-style-type: none"> <li>• All appointments made during night portion of meeting.</li> </ul>		
22.	<p><b>To receive public comments:</b> Water Protection Ordinance – VSMP Amendment.</p> <ul style="list-style-type: none"> <li>• Held.</li> <li>• By a vote of 6:0, <b>DIRECTED</b> staff to submit the draft Water Protection Ordinance, subject to any direction from the Board and further technical revisions deemed necessary by staff, together with the other elements of its stormwater management program application package, to the Virginia Department of Environmental Quality for review and approval.</li> <li>• <b>DIRECTED</b> staff to bring back a public engagement plan.</li> </ul>	<u>Mark Graham:</u> Proceed as directed.	<a href="#">Listen</a>
23.	<p><b>Work Session:</b> Water Resources Funding.</p> <ul style="list-style-type: none"> <li>• <b>DIRECTED</b> staff to develop a process for informing the public of the water resources funding issue and seek input on preferences for funding through the General Fund, a Special Service District, or a Stormwater Utility.</li> <li>• The process outline is to be presented to the Board for consideration in February.</li> </ul>	<u>Mark Graham/Lee Catlin:</u> Proceed as directed.	<a href="#">Listen</a>
24.	<p><b>Work Session:</b> CPA-2013-00001. Comprehensive Plan Update/Amendment.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>SCHEDULED</b> public hearing on the County's Comprehensive Plan for February 12, 2014.</li> </ul>	<u>Clerk:</u> Advertise and schedule on agenda.	<a href="#">Listen</a>

<p>25. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>APPROVED</b> consent agenda item #13.2.</li> <li>a. Proposed Transit Route Changes.</li> <li>• <b>REQUESTED</b> that John Jones, CAT Transit Manager, provide a quarterly update to the Board.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>• Highlighted Board members attendance at the recent VACo County Supervisors' Forum.</li> <li>• Suggested that Board members have County issued cell phones to keep a better account of records for FOIA.</li> <li>• Requested that staff bring back information on video streaming.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>• Requested that staff research peer localities about support and resources provided to Board members.</li> </ul>	<p><u>Lee Catlin:</u> Proceed as requested.</p> <p><u>Clerk:</u> Proceed as requested.</p>	<p><a href="#">Listen</a></p>
<p>26. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>		
<p>Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 3:59 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 requests for reappointments.</li> </ul>		
<b>6:00 P.M.</b>		
<p>27. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 6:02 p.m., by the Chair, Ms. Dittmar. The Board then immediately certified the closed meeting.</li> </ul>		
<p>Boards and Commissions:</p> <p>a. Board Member Committee Appointments. <b>APPOINTED Board members to serve on the following committees:</b></p> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>• Audit Committee with said term to expire December 31, 2014.</li> <li>• Village of Rivanna Community Advisory Council with said term to expire December 31, 2014.</li> <li>• Workforce Investment Board with said term to expire December 31, 2014.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>• Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2014.</li> <li>• Police Department Citizens Advisory Committee with said term to expire December 31, 2014.</li> <li>• Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2015.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>• Darden Towe Park Memorial Committee with said term to expire December 31, 2014.</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>

- Fiscal Impact Advisory Committee with said term to expire December 31, 2014.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2014.
- Pantops Community Advisory Council with said term to expire December 31, 2014.
- Property Committee with said term to expire December 31, 2014.
- Places 29 Community Advisory Council with said term to expire December 31, 2014.

Ann Mallek:

- Acquisitions of Conservation Easement (ACE) Committee with said term to expire December 31, 2014.
- Agricultural and Forestal Advisory Committee with said term to expire December 31, 2014.
- CIP Oversight Committee with said term to expire December 31, 2014.
- Crozet Community Advisory Council with said term to expire December 31, 2014.
- Historic Preservation Committee with said term to expire December 31, 2014.
- High Growth Coalition with said term to expire December 31, 2014.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2015.
- Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2014.
- Rivanna River Basin Commission with said term to expire December 31, 2015.
- Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2015.

Liz Palmer:

- Audit Committee with said term to expire December 31, 2014.
- CIP Oversight Committee with said term to expire December 31, 2014.
- Rivanna River Basin Commission with said term to expire December 31, 2015.

Brad Sheffield:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2014.
  - Darden Towe Park Memorial Committee with said term to expire December 31, 2014.
  - High Growth Coalition with said term to expire December 31, 2014.
  - Metropolitan Planning Organization (MPO) with said term to expire December 31, 2015.
  - Places 29 Community Advisory Council with said term to expire December 31, 2014.
  - Property Committee with said term to expire December 31, 2014.
- b. Boards and Commissions Vacancies and Appointments.
- **APPOINTED** Mr. Charles Tolbert, as the Jack Jouett District representative and Ms. Kimberly

<p>Swanson, as the Rio District representative to the Albemarle County Service Authority with said terms to expire December 31, 2017.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Ms. Lettie Bien as the Rio District representative to the Economic Development Authority with said term to expire January 19, 2018.</li> <li>• <b>REAPPOINTED</b> Mr. Steve Janes, as the Rivanna District representative, Mr. Kevin Quick, as the Scottsville District representative, Ms. Tammie Moses, as the Jack Jouett District representative and Mr. John Lowry, as the Samuel Miller District representative to the Equalization Board with said terms to expire December 31, 2014.</li> <li>• <b>REAPPOINTED</b> Ms. Julia Monteith as the UVA Liaison to the Planning Commission with said term to expire December 31, 2014.</li> <li>• <b>REAPPOINTED</b> Mr. Russell (Mac) Lafferty, as the Jack Jouett District representative to the Planning Commission with said term to expire December 31, 2017.</li> <li>• <b>APPOINTED</b> Ms. Karen Firehock, as the Samuel Miller District representative and Mr. Anthony Bruce Dotson, as the Rio District representative to the Planning Commission with said terms to expire December 31, 2017.</li> <li>• <b>REAPPOINTED</b> Ms. Janet Morrow, as the Samuel Miller District representative and Ms. Laney Kaminer, as the Jack Jouett District representative to the Social Services Board with said terms to expire December 31, 2017.</li> <li>• Recommended the <b>APPOINTMENT</b> of Mr. Leo Mallek as Chairman and Joint City/County representative to the Rivanna Solid Waste Authority Citizens Advisory Committee to fill an unexpired term with said term to expire December 31, 2014.</li> </ul>		
<p>28. <b>Pb. Hrg:</b> To receive public comments regarding locating a convenience center either on Mill Creek Drive, near the Monticello Fire Station, or on Esmont Road, near the Keene Post Office.</p> <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> <li>• By a vote of 6:0, <b>REQUESTED</b> that the Board of Supervisors request the RSWA to approve an amendment to the Ivy Materials Utilization Center programs agreement to provide for a one year extension of the agreement from July 1, 2014 to June 30, 2015 to allow additional time for the Board to reevaluate the County's long term approach to the future of solid waste and management.</li> <li>• By a vote of 6:0, <b>SUSPENDED</b> further consideration of any convenience center location until such time as the County completes an evaluation of long term strategies for solid waste management services and develops a public process for vetting specific approaches with citizens.</li> </ul>	<p><u>County Executive:</u> Proceed as requested.</p>	<p><a href="#">Listen</a></p>
<p>26. Adjourn to January 30, 2014, at 8:30 a.m., Room</p>		

241. • The meeting was adjourned at 9:27 p.m.		
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- Attachment 1 – Rules of Procedure
- Attachment 2 – Boards and Commissions Policy
- Attachment 3 – Ragged Mountain Farm Subdivision Resolution
- Attachment 4 – Fiscal Year 2014 County of Albemarle & State Health Department Local Government Agreement



**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 a majority plus one 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; 1-09-2013; 1-8-2014).

**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 Board of Supervisors. The Board will consider and/or interview candidates recommended by the supervisor of that district.

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 its 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.

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, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.

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 of 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 annually 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; 01-08-2014.)

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 8<sup>th</sup> day of January 2014, adopted the following resolution:

### RESOLUTION

WHEREAS, the street(s) in **Ragged Mountain Farm Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 8, 2014**, 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 **Ragged Mountain**, as described on the attached Additions Form AM-4.3 dated **January 8, 2014**, 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) **Ragged Mountain Drive (State Route 1860)** from Route 637 (Dick Woods Road) south to Route 1861 (Ragged View Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.12 miles.
- 2) **Ragged Mountain Drive (State Route 1860)** from Route 1862 (Wise Court) south to Route 1863 (Ragged Mountain Lane), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.15 miles.
- 3) **Ragged View Court (State Route 1861)** from Route 1860 (Ragged Mountain Drive) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.09 miles.
- 4) **Ragged Mountain Lane (State Route 1863)** from Route 1864 (Farriers Court) south to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.07 miles.
- 5) **Ragged Mountain Drive (State Route 1860)** from Route 1861 (Ragged View Court) south to Route 1862 (Wise Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.29 miles.
- 6) **Ragged View Court (State Route 1861)** from Route 1860 (Ragged Mountain Drive) west to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.10 miles.



- 7) **Ragged Mountain Drive (State Route 1860)** from Route 1863 (Ragged Mountain Lane) west to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.07 miles.
- 8) **Wise Court (State Route 1862)** from Route 1860 (Ragged Mountain Drive) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.09 miles.
- 9) **Farriers Court (State Route 1864)** from Route 1863 (Ragged Mountain Lane) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.06 miles.
- 10) **Ragged Mountain Lane (State Route 1863)** from Route 1860 (Ragged Mountain Drive) south to Route 1864 (Farriers Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.27 miles.

Total Mileage – 1.31

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH**

**STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County**

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$685,585, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of \$560,933 local matching funds and \$838 one-hundred percent local funds for a total of \$561,771 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County Health Department**, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2013. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
  - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
  - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.
  - C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Supervisor of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
  - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.

2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

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Cynthia Romero, MD, FAAFP  
State Health Commissioner  
Virginia Department of Health

\_\_\_\_\_  
Local authorizing officer signature

\_\_\_\_\_  
Authorizing officer printed name

\_\_\_\_\_  
Authorizing officer title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date