

ACTIONS
Board of Supervisors Meeting of August 2, 2023

August 3, 2023

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Steve Rosenburg, and Claudette Borgersen. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Item #8.5a Resolution to Change the Start Time of the August 16, 2023, Meeting was ADDED to the Consent Agenda. Item #9. SUB 202300034 Colonnade Drive Petition for Abandonment was withdrawn and REMOVED from the agenda at the petitioner's request. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Noted that survey for the Riparian Buffer Overlay District was open until August 13, 2023, and encouraged community members to participate in that survey as well as other VDoT surveys. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that deadline for revalidation for those participating in the agricultural forestal land use property tax program was September 1, 2023, and encouraged those who have not received the forms to call the finance department. Mentioned that there would be a Service Dogs of Virginia puppies in training demonstration on August 6, 2023, at 1:30 pm at The Center at Belveder. Stated that the Living Free Together organization would be holding their second annual Ruck the Ridge event on Saturday November 11, 2023, at the Blue Ridge School, and that proceed would go to supporting military veterans and first responders and their families. Commented on the LUEPC report and encouraged everyone to read the report. Mentioned that VDoT would be holding hearings on the Design Bundle II for Smart Scale on September 19, 2023, at Piedmont Virginia Community College, and on September 21, 2023, at The Center at Belvedere. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Stated that the Metropolitan Planning Organization (MPO) Moving Toward 2050 survey was open and encouraged community members to complete survey on the TJPDC website. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Commented that the survey regarding Route 250/Old Ivy Road was open through August 18, 2023. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Reflected on the Albemarle County Police 		Link to Video

<p>Department National Night Out and noted that the event at 1540 Avemore Ave, Pantops, was delayed until that evening from 5:30 pm – 7:30 pm.</p> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Complimented the Albemarle County Police Chief the National Night Out program. • Announced that on Saturday, August 5, at 10:30 am there would be a Southwood dedication and several Supervisors would be attending. • Encouraged community members to participate in the Blood Drive on Tuesday, August 8, from 9:30am – 3pm at the County Office Building on 5th Street. • Mentioned that the Albemarle County Public Schools convocation would be held on August 15, 2023, at the Ting pavilion and that Supervisor McKeel would be making remarks. • Noted that on August 18, 2023, Albemarle County would host the gubernatorial VA Council on Women meeting. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • <u>Doug Earl</u>, Scottsville District, spoke towards Ranked Choice Voting. • <u>John Hall</u>, City Resident, spoke towards transportation issues. 		
<p>8.2 Fiscal Year 2023 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve appropriations #2023057; #2023058; and #2023059 for County government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 1)</p>	
<p>8.3 Fiscal Year 2024 Appropriations and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve appropriations #2024004; #2024005; and #2024006 for County government projects and programs. • ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Finance and Budget, and County Attorney's office. (Attachments 2-3)</p>	
<p>8.4 Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer and Resolution Appointing the Director of Social Services.</p> <ul style="list-style-type: none"> • ADOPTED Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer. • ADOPTED Resolution Appointing the Director of Social Services. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Social Services, Human Resources, and County Attorney's office. (Attachments 4-5)</p>	
<p>8.5 Albemarle County Housing Assistance Program Loan Interest Forgiveness Request.</p> <ul style="list-style-type: none"> • APPROVED forgiveness of the accumulated interest amount. 		
<p>8.5a Resolution to Change the Start Time of the August 16, 2023, meeting to 2:30 p.m.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office; Advertise in the Daily Progress and Notify appropriate individuals. (Attachment 6)</p>	
<p>9. SUB202300034 Colonnade Drive Petition for Abandonment.</p>		

	<ul style="list-style-type: none"> • Removed from agenda. 	
10.	<p>Presentation: Rivanna Station Futures Due Diligence Update.</p> <ul style="list-style-type: none"> • RECEIVED. 	
11.	<p>Presentation: Transportation Planning Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>Presentation: Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
16.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
22.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Mentioned that he continued to receive concerns regarding maintenance on utility lines and power outages and he would like a future discussion. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Commented that the Historic Preservation Committee met the previous week and that they would be continuing to work on the marker program. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Stated that at the recent MPO meeting, residents made public comments regarding the Ivy Corridor. • Announced that the TJPDC would not be meeting in August. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Mentioned that she had been given a briefing on restricted crossing U-turn intersections and shared the article with other Board members. • Provided statistics on services that aging community members received from the Jefferson Area Board for Aging (JABA). She announced that JABA won the National Aging and Innovation and Achievement Award, and that Marta Keane was elected as president of the Virginia Association of Area Agencies on Aging in 2022. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Commented that she had recently visited the SPCA and noted that the mood was very positive. • Mentioned that the Pantops Community Advisory Committee met and discussed a zoning change, and that FEMA would be reevaluating all the flood plain areas. 	
13.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 3:42 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, Community Policy and Management Team, Albemarle-Charlottesville Regional Jail Authority, Natural Heritage Committee, Pantops Community Advisory Committee, Places 29 (Hydraulic) Community Advisory Committee, and Places 29 (North) Community Advisory Committee; and 	

<ul style="list-style-type: none"> under subsection (5), to discuss the location of a business or industry, in the northern part of the county, in the Rio District, where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community. 		
14. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
15. Boards and Commissions: a. Vacancies and Appointments. <ul style="list-style-type: none"> APPOINTED, Ms. Elizabeth Engle to the Natural Heritage Committee with said term to expire September 30, 2027. REAPPOINTED, Ms. Stephanie Lowenhaupt to the Pantops Community Advisory Committee with said term to expire June 30, 2025. REAPPOINTED, Mr. Christopher Rembold, Mr. James Clemenko, Ms. Cynthia Neff, Ms. Yolanda Speed, and Ms. Rosemary Miller to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2025. REAPPOINTED, Ms. Deborah van Eersel, and Mr. David Mitchell to the Places 29 (North) Community Advisory Committee with said terms to expire on August 5, 2025. 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
16. From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Moved earlier on agenda. 		
17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> There were none. 		
18. <u>Pb. Hrg.: SP202300002 Community Christian Academy.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to approve SP202300002 Community Christian Academy with the proposed conditions. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)	
19. <u>Pb. Hrg.: SP202200032 – The Miller School of Albemarle.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to approve SP202200032 The Miller School of Albemarle with conditions as amended. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)	
20. <u>Pb. Hrg.: Public Hearing for a Chapter 9 Ordinance Amendment Authorizing Photo Speed Monitoring Devices in School Crossing and Highway Work Zones.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Police Dept., and County Attorney's office. (Attachment 9)	
21. <u>Pb. Hrg.: Public Hearing for a Chapter 7 Ordinance Amendment.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 10)	
22. From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Moved earlier on the agenda. 		
23. Adjourn to August 16, 2023, 2:30 p.m. Lane Auditorium. <ul style="list-style-type: none"> The meeting adjourned at 7:31 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2023 Appropriations
Attachment 2 – Resolution to Approve Additional FY 2024 Appropriations
Attachment 3 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

- Attachment 4 – Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer
- Attachment 5 – Resolution Appointing the Director of Social Services
- Attachment 6 – Resolution Changing the Start Time of the August 16, 2023 Meeting of the Board of Supervisors
- Attachment 7 – Resolution to Approve SP202300002 Community Christian Academy
- Attachment 8 – Resolution to Approve SP202200032 The Miller School of Albemarle
- Attachment 9 – Ordinance No. 23-9(1)
- Attachment 10 – Ordinance No. 23-7(1)

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023057; #2023058; and #2023059 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2024004; #2024005; and #2024006 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

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

WHEREAS, the Board of Supervisors of Albemarle County, Virginia (the "Borrower") has or intends to acquire, construct and equip various capital improvement projects described in the Borrower's Capital Improvement Program (as it may be amended from time to time), including but not limited to projects undertaken for the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) community development, (e) public safety, (f) public works, (g) schools, (h) transportation, (i) water resources and (j) solid waste (collectively, the "Project"); and

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

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$970,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

RESOLUTION REORGANIZING SOCIAL SERVICES AND HUMAN SERVICES AND APPOINTING THE CHIEF HUMAN SERVICES OFFICER

WHEREAS, upon the recommendation of the County Executive, pursuant to the authority granted to the Board of Supervisors of the County of Albemarle, Virginia (the "Board") by Virginia Code § 15.2-518, the Board desires to reassign, transfer, rename, and combine county functions, activities, and departments with respect to the delivery of social and human services in Albemarle County, Virginia (the "County"); and

WHEREAS, upon the recommendation of the County Executive, pursuant to the authority granted to the Board by Virginia Code §§ 15.2-512 and 15.2-518, the Board desires to create the position of Chief Human Services Officer to supervise the delivery of social and human services in the County;

WHEREAS, upon the recommendation of the County Executive, pursuant to the authority granted to the Board by Virginia Code § 63.2-302, the Board desires to appoint the Chief Human Services Officer to serve as the local Board of Social Services for the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that a Chief Human Services Officer position is created pursuant to Virginia Code §§ 15.2-512 and 15.2-518; and

BE IT FURTHER RESOLVED that the Board appoints the Chief Human Services Officer to serve as the local Board of Social Services for the County for purposes of Virginia Code §§ 63.2-300, 63.2-302, and 63.2-303, superseding that certain resolution adopted by the Board on November 5, 1997, appointing the Director of Social Services to serve as the local Board of Social Services; and

BE IT FURTHER RESOLVED that the Chief Human Services Officer in such individual's role as the local Board of Social Services shall directly or indirectly supervise (i) all mandated benefits and services required to be provided by the local Board of Social Services or the local Department of Social Services, as such benefits and services are set forth in Title 63.2 of the Code of Virginia, and (ii) all other, non-mandated benefits and services determined locally to be provided by the local Department of Social Services, with direct supervisory responsibility of all of such benefits and services to be allocated from time to time between the Chief Human Services Officer and a Director of Social Services, as determined by the County Executive in consultation with the Chief Human Services Officer;

BE IT FURTHER RESOLVED that the Chief Human Services Officer shall also directly supervise the County's Office of Human Services, Office of Housing, Office of Equity and Inclusion, and Broadband Accessibility and Affordability Office, previously or now established, and such other units of County government assigned by the County Executive from time to time to the Chief Human Services Officer's portfolio; provided, the County Executive, in the exercise of the County Executive's discretion, may reassign all or any of such offices to the portfolio of another member of the County Executive's executive leadership team; and

BE IT FURTHER RESOLVED that, upon the recommendation of the County Executive, Kathleen A. Dimock ("Dimock") is hereby appointed to the position of Chief Human Services Officer for the County pursuant to Virginia Code §§ 15.2-512 and 15.2-518; and

BE IT FURTHER RESOLVED that this appointment shall be effective on and after August 2, 2023; and

BE IT FURTHER RESOLVED that Dimock will serve as the Chief Human Services Officer at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that Dimock will act in the role as Chief Human Services Officer under the supervision of the County Executive; and

BE IT FURTHER RESOLVED that the Board does hereby direct and authorize the County Executive to take all necessary steps to implement the Board's restructuring of the delivery of social and human services in the County, consistent with this Resolution.

RESOLUTION APPOINTING THE DIRECTOR OF SOCIAL SERVICES

WHEREAS, by adoption on August 2, 2023, of that certain resolution entitled *Resolution Reorganizing Social Services and Human Services and Appointing the Chief Human Services Officer* (the "Restructuring Resolution"), the Board of Supervisors of the County of Albemarle, Virginia (the "Board") reassigned, transferred, renamed, and combined county functions, activities and departments with respect to the delivery of social and human services in Albemarle County, Virginia (the "County"); and

WHEREAS, the Board's action in the Restructuring Resolution included the appointment of the then current Director of Social Services to the position of Chief Human Services Officer, newly established by the Board upon the recommendation of the County Executive; and

WHEREAS, to fill the vacancy resulting from the appointment of the Chief Human Services Officer, the Board desires to appoint a new Director of Social Services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that, upon the recommendation of the County Executive, Mary Stebbins ("Stebbins") is hereby appointed to the position of Director of Social Services for the County pursuant to Virginia Code § 15.2-512; and

BE IT FURTHER RESOLVED that this appointment shall be effective on and after August 2, 2023; and

BE IT FURTHER RESOLVED that Stebbins will serve as Director of Social Services at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that Stebbins will serve as the head of the County's Department of Social Services and have the powers and duties stated in Virginia Code § 15.2-527, except for (i) such powers and duties as are allocated from time to time to the Chief Human Services Officer, as determined by the County Executive in consultation with the Chief Human Services Officer in accordance with the Restructuring Resolution, and (ii) charge of parks and playgrounds; and

BE IT FURTHER RESOLVED that Stebbins will act under the supervision of the Chief Human Services Officer in the Chief Human Services Office's capacity as the local Board of Social Services.

RESOLUTION CHANGING THE START TIME OF THE AUGUST 16, 2023 MEETING OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS

WHEREAS, Virginia Code § 15.2-1416 requires that the Board of Supervisors meet at such days, times and place as may be established by the Board at its organizational meeting, provided that it hold at least six meetings per fiscal year;

WHEREAS, § 15.2-1416 further requires that if the Board subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the Board shall pass a resolution as to such future meeting day, place or time;

WHEREAS, according to its January 4, 2023 resolution, the Board established its regular meeting schedule for the period of January 2023 through January 2024;

WHEREAS, such resolution generally provides that the Board will hold regular meetings on the first and third Wednesdays of each month, starting at 1:00 p.m.; and

WHEREAS, the Board has determined to defer the start of its August 16, 2023 meeting from 1:00 p.m. to 2:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that its regularly scheduled meeting on August 16, 2023, in the Auditorium of the County Office Building, 401 McIntire Road, Charlottesville, Virginia, will start at 2:30 p.m.; and that the Clerk of the Board is directed to post an attested copy of this resolution at such location where official notices are posted and to take such further actions as deemed appropriate to give notice of this change.

**RESOLUTION TO APPROVE
SP202300002 COMMUNITY CHRISTIAN ACADEMY**

WHEREAS, upon consideration of the staff reports prepared for SP 202300002 Community Christian Academy and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-14.2.2 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the R-2 Residential zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202300002 Community Christian Academy, subject to the conditions attached hereto.

* * * * *

SP202300002 Community Christian Academy Special Use Permit Conditions

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan. To be in general accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development.
 - a. Location of buildings, parking areas, and playground areas.
 - b. Site access including pick-up and drop-off locations and circulation as shown on the Concept Plan. Signage and pavement markings may be required at the time of Zoning Clearance to ensure safe vehicular circulation.

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or improve safety.

2. The maximum enrollment may not exceed one hundred and fifty (150) students.
3. All students must be over the age of two and one-half (2 ½) years old.
4. Classroom instruction for the school is limited to 7:30 a.m.-6:00 p.m. Monday through Friday, provided that occasional school-related events/activities may occur after 6:00 p.m.

**RESOLUTION TO APPROVE
SP202200032 THE MILLER SCHOOL OF ALBEMARLE**

WHEREAS, upon consideration of the staff reports prepared for SP 202200032 The Miller School of Albemarle and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200032 The Miller School of Albemarle, subject to the conditions attached hereto.

* * * * *

SP202200032 The Miller School of Albemarle Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled “Concept Plan” prepared by Line+Grade and dated May 1, 2023. To be in general accord with the Conceptual Plan, development and use must reflect the following major elements within the development, which are essential to its design, as shown on the Conceptual Plan and described in the Narrative:
 - a. Location of buildings and structures, including their arrangement
 - b. Location of parking areas
 - c. Limits of disturbance
 - d. Location of roads and travelways

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Maximum total student enrollment is limited to 500 students. Maximum day student enrollment is limited to 300 students.

ORDINANCE NO. 23-9(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE 5, BOARD OF SUPERVISORS, 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 9, Motor Vehicles and Traffic, Article 5, Video Monitoring System, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

Article 5, Division 1 of Chapter 9.

Sec. 9-500 Definitions.

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

Sec. 9-502 Civil penalty.

By Adding:

Article 5, Division 2 of Chapter 9

Sec. 9-503 Definitions.

Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.

Sec. 9-505 Civil Penalty.

.....

Chapter 9. Motor Vehicles and Traffic

Article 5. Video Monitoring System and Photo Speed Monitoring Devices

Division 1. Video Monitoring System

Sec. 9-500 Definition.

As used in this division, "video-monitoring system" has the same meaning as in Virginia Code § 46.2-844.

(§ 9-800, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-500, Ord. 21-9(1), 8-4-21)

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

- A. *Authorization.* The school division may install and operate video-monitoring systems in or on its school buses, consistent with Virginia Code § 46.2-844.
- B. *Private entities.* The school division may enter into agreements with private entities to provide video-monitoring systems and related support services. Only a County law enforcement officer may issue a civil summons or notice of violation under this division.
- C. *Restricted collection of information.* A video-monitoring system operated under this ~~article~~ division shall only collect the information referred to in Virginia Code § 46.2-208(B)(30).
- D. *Enforcement.* Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-844.

(§ 9-801, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-501, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-844.

Sec. 9-502 Civil penalty.

Any violation of Virginia Code § 46.2-844 is subject to a civil penalty of \$250.00, payable to the County of Albemarle.

(§ 9-802, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-502; Ord. 21-9(1), 8-4-21)

DIVISION 2. Photo Speed Monitoring Devices

Sec. 9-503 Definitions.

The following definitions apply to this division:

"Highway work zone" has the same meaning as in Virginia Code § 46.2-878.1.

"Photo speed monitoring device" has the same meaning as in Virginia Code § 46.2-882.1.

"School crossing zone" has the same meaning as in Virginia Code § 46.2-873.

Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.

- A. *Authorization.* The Police Department may install and operate photo speed monitoring devices in school crossing zones or highway work zones, consistent with Virginia Code § 46.2-882.1.
- B. *Private entities.* The County may enter into agreements with private entities to provide photo speed monitoring devices and related support services, so long as the compensation is not determined in reference to or dependent on the number of violations paid or penalties imposed. Only a County law enforcement officer may swear to or affirm the certificate required by Virginia Code § 46.2-882.1 or issue a civil summons for a violation enforced under this division.
- C. *Restricted collection of information.* Photo speed monitoring devices operated under this division shall collect only the information necessary for enforcement of this division or referred to in Virginia Code § 46.2-208(B)(31).
- D. *Enforcement.* Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-882.1.
- E. *Signage.* Use of a photo speed monitoring device shall be indicated by a conspicuous sign within 1000 feet of any school crossing zone or highway work zone.

State law reference – Va. Code § 46.2-882.1.

Sec. 9-505 Civil penalty.

Any violation of Virginia Code §§ 46.2-878.1 or 46.2-873 that is enforced pursuant to this division is subject to a civil penalty not to exceed \$100.00, payable to the County of Albemarle.

ORDINANCE NO. 23-7(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 7, HEALTH AND SAFETY, ARTICLE 1, NOISE, 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 7 Health and Safety, Article 1, Noise, is hereby amended and reordained as follows:

By Amending:

Sec. 7-105 Specific acts prohibited.

Chapter 7. Health and Safety**Article 1. Noise**

....

Sec. 7-105 Specific acts prohibited.

It is unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

- A. *Motor vehicle or motorcycle operation.* The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and either:
1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle or motorcycle; or
 2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.
- B. *Sound producing or reproducing devices.* The sound is produced by any device intended primarily for the production or reproduction of sound and either:
1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of 100 feet or more from the motor vehicle;
 2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;
 3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five continuous minutes or more, without an interruption of the sound for 30 or more consecutive seconds during the five minute period, within any one hour period: (i) from a distance of 100 feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room;
 4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the dwelling unit is located; or (ii) from inside a dwelling unit or hotel room;
 5. *Device producing outdoor amplified music or serving as an outdoor public address system.* The device is located to produce outdoor amplified music, to serve as an outdoor public address system, or both, including any such device used in conjunction with an agricultural activity, and the sound is not otherwise regulated under subsections (B)(1) through (4) or exempt pursuant to County Code § 7-106, and the sound is audible from inside a dwelling unit or hotel room; or
 6. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, a dwelling unit, or is not producing a sound subject to subsection (B)(5),

and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.

- C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use under County Code Chapter 18, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. any day and 7:00 a.m. the following day from inside a dwelling unit or hotel room.
- D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home, or court (hereinafter, collectively referred to as "institutions"), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home, or court and either:
1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session; or
 2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.
- E. *Construction, demolition, or maintenance activities.* Either of the following:
1. Sound produced by construction, demolition, or maintenance activities between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
 2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement between the hours of 10:00 p.m. any day and 7:00 a.m. the following day, but which is produced by a contractor of a governmental entity, or a subcontractor of such a contractor, either off-site or outside of the project limits when the project limits are established in writing by the governmental entity, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- F. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. any day and 6:00 a.m. the following day or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- G. *Solid waste collection.* Sound produced by the collection of solid waste between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 5:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.
- H. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing, and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential zoning district established pursuant to County Code Chapter 18, and between the hours of 10:00 p.m. any day and 6:00 a.m. the following day within any non-residential zoning district established pursuant to County Code Chapter 18, including any mixed-use site, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.
- I. *Loud explosive devices used to repel birds.* Sound produced by loud explosive devices, including air cannons and carbide cannons, that are designed to produce high intensity sound percussions for the purpose of repelling birds, and the sound is audible: (i) from a distance of 100 feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room. The use of a loud explosive device is not an agricultural activity exempt from this Article pursuant to County Code § 7-106.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09; Ord. 13-7(2) 9-4-13; Ord. 16-7(1), 5-4-16; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(2), 9-1-21; Ord. 23-7(1), 8-2-23)

State law reference(s)—Va. Code §§ 15.2-918, 15.2-1200.