

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of August 2, 2017</p>		
		August 3, 2017
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:02 p.m., by the Chair, Ms. McKeel. All BOS members present with the exception of Brad Sheffield. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Reported on a Yancey Workgroup meeting that she attended on August 1, 2017. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Spoke on various signs along the roads in Pennsylvania. Commented VDOT and mentioned roads conditions in Philadelphia. Mentioned the development around the Eastern Montgomery County, PA. Mentioned a previously functioning quarry that has now been filled in and being developed. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that the Albemarle County fair starts on August 3 and goes through Saturday, August 5, at Ashlawn-Highland. Announced that the Police Department's National Night Out at Old Trail was a huge success. <p><u>Norman Dill</u></p> <ul style="list-style-type: none"> Announced that Sentara Martha Jefferson Hospital held their first major event on Wednesday, July 26. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reported on a community meeting held on July 31, regarding the mural wall along Barracks Rd. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that she visited a rehabilitated historic house that is a part of a Board support CDBG project through AHIP in Alberene. 		
<p>6. Proclamations and Recognitions:</p> <p>a. Proclamation Recognizing Charlottesville-Albemarle BAR Association.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED proclamation and presented to Palma E. Pustilnik. <p>b. Recognition of NACo Awards.</p> <ul style="list-style-type: none"> NACo 2017 Achievement Award-Turnout Gear Centralization System. 	(Attachment 1)	

	<ul style="list-style-type: none"> Presented to award Chief Dan Eggleston and thanked for their work and support. NACo 2017 Achievement Award - Regional Firearms Range Training Facility Project. <ul style="list-style-type: none"> Presented award to Albemarle Police Chief Ron Lantz, UVA Police Chief Mike Gibson and Trevor Henry, Director, Facilities and Environmental Services. Center for Digital Government 2017 Digital Counties Survey Award (1st place). <ul style="list-style-type: none"> Presented award to Mike Culp, Director of Information Technology. 		
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Darryl Marshall</u>, President of the Senior Center's Kingfishers Fishing club, spoke on the areas water levels. <u>Jeff Werner</u>, Piedmont Environmental Council, spoke toward agenda item # 9. <u>Jim Foley</u>, resident of the Rivanna District, spoke in support of agenda item #18. 		
	<p>Diantha McKeel:</p> <ul style="list-style-type: none"> Reported out on a CACF grant that the County applied for through the TJPDC. 		
8.2	<p>FY 2017 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriation #2017105 for local government projects and programs. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)</p>	
8.3	<p>FY 2018 Appropriations.</p> <ul style="list-style-type: none"> Pulled from the consent agenda. 		
8.4	<p>Additional Speed Indicator Signs.</p> <ul style="list-style-type: none"> Pulled from the consent agenda. 		
8.5	<p>Resolution of Intent to Amend the Zoning Ordinance Regulations Pertaining to Personal Wireless Service Facilities.</p> <ul style="list-style-type: none"> ADOPTED Resolutions of Intent. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
8.6	<p>Dam Safety Grant Resolution.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to FES and County Attorney's office. (Attachment 4)</p>	
9.	<p>Hedgerow Park Development Process Feasibility Study.</p> <ul style="list-style-type: none"> CONSENSUS that staff bring back more information. 	<p><u>Parks & Rec:</u> Proceed as directed.</p>	
10.	<p>2018 Land Use Revalidation Process Improvement Update.</p> <ul style="list-style-type: none"> RECEIVED. 	<p><u>Staff:</u> Proceed as authorized.</p>	
	<p>Recess.</p> <ul style="list-style-type: none"> At 3:30 p.m., the Board recessed and reconvened at 3:36 p.m. 		
11	<p>FY17- FY19 Strategic Plan Implementation and Board Work Session Preview.</p> <ul style="list-style-type: none"> RECEIVED. 		
12.	<p>Sierra Club Presentation.</p>		

	<ul style="list-style-type: none"> • RECEIVED. 	
13.	Hydraulic Area Project Advisory Panel Update. <ul style="list-style-type: none"> • RECEIVED. 	
	Norman Dill left at 4:40 p.m., and returned at 5:27 p.m.	
14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:47 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia Under Subsection (1), to: <ol style="list-style-type: none"> 1. Discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; 2. Discuss and consider the performance of specific County police officers' in their verbal and written interaction with a member of the public. • Under Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about litigation related to a real estate assessment appeal because a public discussion would adversely affect the negotiating or litigating posture of the County. • Under Subsection (29), to discuss the terms and scope of a possible public contract involving the expenditure of public funds pertaining to a Constitutional office where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors. 	
15.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:08 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
16.	<p>Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED, Mr. Frank Hancock to the Architectural Review Board to fill an unexpired term ending November 14, 2020. • APPOINTED, Mr. David Mellen to the Economic Development Authority as the White Hall District representative to fill an unexpired term ending January 19, 2021. • APPOINTED, Mr. Michael Powers to the Jefferson-Madison Regional Library Board to fill an unexpired term ending June 30, 2019. • APPOINTED, Mr. Peter Taylor to the Public Recreational Facilities Authority with said term to expire December 13, 2018. • APPOINTED, Supervisors Norman Dill and Rick Randolph to the Rivanna River Corridor Steering Committee with said terms to expire December 31, 2017. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
17.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	

18.	<u>Business License Ordinance Amendments (Chapter 8).</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Ordinance. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 5)
19.	<u>Tax Ordinance Amendments (Chapter 15).</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Ordinance. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 6)
20.	<u>Implementation of Additional \$5.00 Court Fee.</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Police Department and County Attorney's office. (Attachment 7)
21.	<u>Creation of a Wireless Service Authority.</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Resolution. 	<u>Clerk:</u> Forward copy of signed resolution to IT and County Attorney's office. (Attachment 8) <u>County Attorney:</u> Provide Clerk with fully executed copy of Articles of Incorporation and file with SCC.
8.3	FY 2018 Appropriations. <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent) ADOPTED Resolution to approve appropriations as amended. 	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 9)
8.4	Additional Speed Indicator Signs. <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield), APPROVED additional speed indicator signs as amended. 	
22.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Spoke towards an e-mail regarding discussion at the state level concerning designated counties under fiscal stress. CONSENSUS to schedule future work session regarding land use valuation and issues related to transitions from Forestry to Agriculture to Development. Mentioned the SPCA contract renewal. Inquired on whether or not a timetable exists on improving recreational uses in parks. Inquired on the legality of recreational shooting in the rural area. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Mentioned a presentation on B Corporations agency for certifying business that are socially or environmentally responsible. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Mentioned that high density older neighborhoods in the urban ring are having issues with parking. 	<u>County Executive:</u> Notify Clerk when ready to schedule <u>Clerk:</u> Schedule when ready.
23.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Doug Walker:</u> <ul style="list-style-type: none"> Announced that a press release regarding Courthouse location options would be released on August 3. 	

25.	Adjourn to August 4, 2017, 9:00 a.m., UVA Alumni Hall, 211 Emmet Street South, Charlottesville, VA. • The meeting was adjourned at 7:56 p.m.		
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ckb/tom

Attachment 1 – Proclamation Recognizing Charlottesville-Albemarle BAR Association

Attachment 2 – Resolution to Approve Additional FY 17 Appropriations

Attachment 3 – Resolution of Intent – Personal Wireless Service Facilities

Attachment 4 – Resolution Requesting Grant Assistance from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund.

Attachment 5 – Ordinance No. 17-8(2)

Attachment 6 – Ordinance No. 17-15(2)

Attachment 7 – Ordinance No. 17-1(1)

Attachment 8 – Resolution to Create a Wireless Service Authority and Articles of Incorporation of the Albemarle Broadband Authority

Attachment 9 – Resolution to Approve Additional FY 18 Appropriations

CHARLOTTESVILLE-ALBEMARLE BAR ASSOCIATION

WHEREAS, the Charlottesville-Albemarle Bar Association (CABA) has worked together to serve the interests of the community and its members since 1916; and

WHEREAS, the Charlottesville-Albemarle Bar Association is a voluntary organization with no paid staff presently enjoying a membership of 436 attorneys; and

WHEREAS, the Charlottesville-Albemarle Bar Association provides direct financial support to Aid in the Central Virginia Legal Aid Society (CVLAS), which provides free civil legal assistance to low income people in five cities and fifteen counties in Virginia, including, since 2010, donations totaling \$27,500.00; and

WHEREAS, the Charlottesville-Albemarle Bar Association also contributes annually to the Legal Aid Justice Center (LAJC) in the amount of \$16,000.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby congratulate the Charlottesville-Albemarle Bar Association for its recognition by the Virginia State Bar, at its Annual Meeting in June 2017, as the Bar Association of the Year; and

BE IT FURTHER RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby express its gratitude to the Charlottesville-Albemarle Bar Association for its pro bono contributions that have tremendously helped the citizens of this community.

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2017105 is approved; and
- 2) That the appropriations referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance contains regulations for Personal Wireless Service Facilities; and

WHEREAS, Senate Bill 1282 added Virginia Code §§ 15.2-2316.3 et seq. and 56-484.26 et seq. effective July 1, 2017 to provide a new regulatory framework for small cell wireless facilities including local zoning requirements and optional approvals; and

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance to incorporate changes consistent with these new Virginia Code sections.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-3.1, Albemarle County Code § 18-5.1.40, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**RESOLUTION REQUESTING GRANT ASSISTANCE
FROM THE VIRGINIA DAM SAFETY, FLOOD PREVENTION
AND PROTECTION ASSISTANCE FUND**

WHEREAS, the County of Albemarle, Virginia, through its Department of Facilities and Environmental Services, owns and operates Hollymead Lake Dam in the County of Albemarle for the purposes of recreation and stormwater management; and

WHEREAS, dam safety regulations have changed that require certain improvements be made to this dam to help prevent possible damage or dam failure; and

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority administer the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund, which provides grants to defray engineering and design costs for analyses and improvements needed to meet current dam safety regulations; and

WHEREAS, the County is seeking a grant from this Fund in the total amount of \$85,200 to defray the estimated engineering and design costs of \$214,000 for the Hollymead Lake Dam; and

WHEREAS, the Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund ("Grant Manual") requires that the Board of Supervisors adopt a resolution requesting assistance before any grant monies can be awarded and released; and

WHEREAS, the balance of the costs have been appropriated in fiscal years 2016 and 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that it hereby requests funding assistance as required in the Grant Manual and authorizes the County Executive to execute grant agreement(s) with the Virginia Resources Authority and/or the Virginia Department of Conservation and Recreation and to take such additional actions as may be required to secure said funds.

ORDINANCE NO. 17-8(2)

AN ORDINANCE TO AMEND CHAPTER 8, LICENSES, ARTICLE I, IN GENERAL, ARTICLE V, CORRECTION OF TAX ASSESSMENTS, AND ARTICLE VI, SCHEDULE OF TAXES, DIVISION 4, PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS, 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 8, Article I, In General, Article V, Correction of Tax Assessments, and Article VI, Schedule of Taxes, Division 4, Personal, Professional, Business or Repair Service Business, Occupations and Professions, are hereby amended as follows:

By Amending:

Sec. 8-101 Applicability
 Sec. 8-505 Refund of license tax if business terminated
 Sec. 8-617 Retailers or retail merchants

CHAPTER 8. LICENSES**ARTICLE I. IN GENERAL****Sec. 8-101 Applicability.**

This chapter shall apply to each business identified herein as follows:

A. *Persons subject to licensure.* Each person engaging in a business in this county whose gross receipts are greater than twenty-five thousand dollars (\$25,000) shall apply for and obtain a license for each such business if:

1. In the case of professional services, the person either (i) maintains a definite place of business in this county; or (ii) maintains an abode in this county but does not maintain a definite place of business in the Commonwealth of Virginia; for purposes of this chapter the abode shall be deemed a definite place of business; or

2. In the case of any other business, the person has a definite place of business or maintains an office in this county; or

3. The person is engaged as a peddler or itinerant merchant, carnival or circus, contractor, or a public service corporation as provided in this chapter.

B. *Persons subject to license tax.* Each person engaging in a business in this county who is required to obtain a license for such business whose gross receipts in a license year from a business subject to licensure are equal to or greater than one hundred thousand dollars (\$100,000.00) in the county shall be subject to a license tax as provided in this chapter.

(3-15-73, § 2; 4-21-76; Ord. 96-11(1), 11-13-96, §§ 11-4, 11-4.1; Code 1988, §§ 11-4, 11-4.1; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 58.1-3703, 58.1-3706.

The amendment to § 8-101 by this ordinance shall be effective for taxable years beginning on and after January 1, 2018.

ARTICLE V. CORRECTION OF TAX ASSESSMENTS**Sec. 8-505 Refund of license tax if business terminated.**

A license tax imposed on a person which is based on gross receipts or gross expenditures shall be entitled to a refund if the person goes out of business before the end of the current license year, subject to all of the following:

A. The license tax for the current license year shall be based on gross receipts or gross expenditures obtained throughout the preceding calendar or fiscal year.

B. The reason for going out of business shall not be connected in any manner with the violation of any state law or local ordinance or of the violation of any rules and regulations made pursuant thereto.

C. The amount of the refund for a license tax based on gross receipts shall be prorated on a monthly basis, so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the county.

1. The county may elect to remit any refunds for the overpayment of a license tax based on gross receipts in the ensuing license year subject to section 8-506.

2. A person shall not be entitled to interest on the refund of a license tax pursuant to this paragraph, provided that the refund is made not more than thirty (30) days from: (i) the date of the payment that created the refund; or (ii) the date of the person's application for a refund, whichever is later. Interest on the refund shall be paid at the rate of ten percent (10%) per year.

3. If a person seeking a refund is indebted to the county or any department or office thereof, or is indebted to any state constitutional office of the county for a local levy, the refund, or so much thereof as is necessary, shall first be applied to such indebtedness.

D. In the event that a person, firm, or corporation ceases to engage in a business, trade, profession, or calling in one year for which a license is based on gross receipts, but the person, firm, or corporation indicates to the county that it intends to settle outstanding, existing business accounts in the year following the year in which it ceased to do business, such person, firm, or corporation shall be authorized to pay a license tax based on an estimate of gross receipts for such year, instead of a license tax based on the previous year's gross receipts.

1. Such tax shall be subject to adjustment to the correct tax at such time as all accounts are closed. If the estimate is found to be unreasonable under the circumstances, a penalty of ten percent (10%) of the additional license tax assessed shall be assessed.

2. If a person, firm, or corporation that is subject to an estimated license tax under this subsection is found to continue to operate the business, for which it gave notice of the cessation of operations, during the year for which it is subject to the estimated license tax, the person, firm, or corporation shall be required to pay the full amount of the license tax due based on the previous year's gross receipts plus a penalty of ten percent (10%) of this amount, provided that the ten percent (10 %) penalty for an unreasonable estimate of gross receipts shall not be assessed.

E. In no event shall the county be required to refund any part of a license fee or flat tax.

(3-15-73, § 17; 4-21-76; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-16; Code 1988, § 11-16; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 58.1-3703.1, 58.1-3710.

The amendment to § 8-505 by this ordinance shall be effective immediately.

ARTICLE VI. SCHEDULE OF TAXES

DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS

Sec. 8-617 Retailers or retail merchants.

Each person engaged as retailer or retail merchant shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged as a retailer or retail merchant shall be subject to a license tax of twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts, other than as provided in subsection (B) herein.

B. Each person engaged as a retailer or retail merchant shall be subject to a license tax of ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for direct retail sales. For purposes of this section, a "direct retail sale" is defined as a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

C. Retailers or retail merchants include, but are not limited to, the following:

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Restaurants, eating places, nightclubs.
Secondhand stores, other than junk.
Scientific, medical supplies.
Shoes.
Soda fountain.
Sporting goods.
Used cars.
Variety stores.
Workmen's clothing.

All other retail stores and retail merchants' occupations, businesses or trades not included herein and not otherwise taxed by this chapter.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; Ord. 98-A(1), 8-5-98; Ord. 06-8(1), adopted 5-3-06, effective 1-1-07; Ord. 07-8(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1-3703, 58.1-3706.

The amendment to § 8-617 by this ordinance shall be effective immediately.

ORDINANCE NO. 17-15(2)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XI, PERSONAL PROPERTY-IN GENERAL, 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 15, Taxation, Article XI, Personal Property - In General, is hereby amended as follows:

By Amending:

Sec. 15-1101 Exemption of certain personal property from taxation

Sec. 15-1101.2 Proration of tangible personal property

CHAPTER 15. TAXATION

ARTICLE XI. PERSONAL PROPERTY – IN GENERAL

Sec. 15-1101 Exemption of certain personal property from taxation.

The following household and personal effects are hereby exempted from taxation:

- A. Bicycles.
- B. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
- C. Pianos, organs, phonographs and record players and records to be used therewith and all other musical instruments of whatever kind and all radio and television instruments and equipment.
- D. Oil paintings, pictures, statuary, curios, articles of virtue and works of art.
- E. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
- F. Sporting and photographic equipment.
- G. Clothing and objects of apparel.
- H. Antique motor vehicles as defined in Va. Code § 46.2-100 that are not used for general transportation purposes.
- I. All-terrain vehicles and off-road motorcycles as defined in Va. Code § 46.2-100.
- J. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

The classification set forth above shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

(Code 1967, § 9-1; Code 1988, § 8-1; Ord. of 2-5-92; Code 1988, § 8-67; Ord. 98-A(1), 8-5-98; Ord. 99-15(1), 11-3-99)

State law reference--Provisions authorizing county to exempt certain personal property from taxation, Va. Code § 58.1-3504.

The amendment to § 15-1101 by this ordinance shall be effective for taxable years beginning on and after January 1, 2018.

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Sec. 15-1101.2 Separate classification of certain tangible personal property employed in a trade or business.

Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Virginia Code § 58.1-3507 et seq., merchants' capital pursuant to Virginia Code § 58.1-3509 et seq., or short-term rental property pursuant to Virginia Code § 58.1-3510.4 et seq., and that has an original cost of less than \$500, is declared to be a separate class of property and shall constitute a classification for taxation separate from other classifications of tangible personal property provided in this chapter. A taxpayer may provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subsection, in lieu of a specific, itemized list.

(Ord. 15-15(2), 8-5-15)

State law reference – Va. Code § 58.1-3506

The amendment to § 15-1101.2 by this ordinance shall be effective immediately.

ORDINANCE NO. 17-1(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, 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 1, General Provisions, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 1-119 Additional Court Costs

CHAPTER 1**GENERAL PROVISIONS****Sec. 1-119 Additional court costs.**

A. A fee of two dollars (\$2.00) shall be taxed as additional costs in each criminal, traffic or civil case in the respective district or circuit courts of the county for the purpose of providing for the maintenance, construction or renovation of the courthouse, jail or court-related facilities located in and serving the county and to defray the costs of cooling, heating and electricity in these facilities. The director of finance shall segregate the fees collected pursuant to this section for the purposes designated above.

B. A fee of ten dollars (\$10.00) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the director of finance, and held by the director of finance subject to appropriation by the board of supervisors to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

C. A fee of twenty five dollars (\$25.00) shall be taxed as additional costs in each criminal case in the respective district or circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance and is processed for admission into the regional jail as a result of such conviction. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the director of finance, and held by the director of finance subject to appropriation by the board of supervisors to the sheriff's office for the funding of costs of processing arrested persons into the regional jail.

D. A fee of five dollars (\$5.00) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the director of finance, and held by the director of finance subject to appropriation by the board of supervisors to the appropriate law enforcement agency or agencies for the funding of software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

(Ord. of 8-8-90; Ord. of 8-5-92, Code 1975, § 1-8, 6-17-89; Code 1988, § 1-8 Ord. 98-A(1), 8-5-98; Ord. 02-1(1), 6-5-02; Ord. 07-1(1), adopted 6-6-07, effective 7-1-07)

State law reference--Authority for above provisions, Va. Code § 17.1-281; Va. Code § 53.1-120; Va. Code § 15.2-1613.1; Va. Code § 17.1-279.1.

RESOLUTION TO CREATE A WIRELESS SERVICE AUTHORITY

WHEREAS, the Board of Supervisors of Albemarle County (the "Board") has duly advertised and held a public hearing on the creation of a wireless service authority pursuant to the Virginia Wireless Service Authorities Act (Virginia Code § 15.2-5431.1 *et seq.*); and

WHEREAS, the Board finds that Albemarle County is unserved or underserved by qualifying communications services, which affects public safety and is an economic, educational, and social disadvantage to the citizens of Albemarle County; and

WHEREAS, the Board has determined that the public health, safety, and welfare would be better served by the extension of qualifying communications services, including but not limited to, high-speed data service and Internet access service, of general application, into unserved or underserved areas of the County.

NOW, THEREFORE, BE IT RESOLVED, on this date, August 2, 2017, that the Albemarle County Board of Supervisors hereby creates a wireless service authority pursuant to the Virginia Wireless Service Authorities Act (Virginia Code § 15.2-5431.1 *et seq.*) which shall be named the "Albemarle Broadband Authority" (the "Authority"); and

BE IT FURTHER RESOLVED that the Articles of Incorporation for the Authority are attached hereto as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED that the powers of the Authority will be exercised by a board of directors of six members appointed by the Board, which shall be composed of two members of the Board; two members selected from among an Albemarle County Deputy County Executive, the Albemarle County Director of Finance, the Department of Community Development's Chief of Special Projects, and the Albemarle County Director of Information Technology (the "County Officers"); and two citizen members; and

BE IT FURTHER RESOLVED that the terms of office of the members of the Authority's board of directors shall be as follows: the terms of directors who are also members of the Board shall be concurrent with their elected term of office; the terms of directors who are also County Officers shall be for four years from the dates of appointment or until the person ceases to hold the qualifying County office, whichever occurs first; and the terms of directors who are citizens shall be for four years from their dates of appointment; and

BE IT FURTHER RESOLVED that the Authority's board of directors shall receive compensation as fixed by resolution of the Board from time to time; and

BE IT FURTHER RESOLVED that the Authority shall have an annual audit conducted according to generally accepted auditing and accounting standards or according to the audit specifications and audit program prescribed by the Auditor of Public Accounts; and a certified copy of the audit shall be filed promptly with the Clerk of the Board of Supervisors of the County of Albemarle, Virginia; and

BE IT FURTHER RESOLVED that the Chair of the Board is authorized to sign the Articles of Incorporation for the Authority after they have been reviewed and approved as to form and substance by the County Attorney; and

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to take such other and further actions as are necessary to file the Articles of Incorporation with the State Corporation Commission.

ARTICLES OF INCORPORATION OF THE ALBEMARLE BROADBAND AUTHORITY

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia (the “Board”) has duly advertised and held a public hearing on the creation of a wireless service authority pursuant to the Virginia Wireless Service Authorities Act (Virginia Code § 15.2-5431.1 *et seq.*); and

WHEREAS, the Board finds that Albemarle County is unserved or underserved by qualifying communications services, which affects public safety and is an economic, educational, and social disadvantage to the citizens of Albemarle County; and

WHEREAS, the Board has determined that the public health, safety, and welfare would be better served by the extension of qualifying communications services, including but not limited to, high-speed data service and Internet access service, of general application, into unserved or underserved areas of Albemarle County; and

WHEREAS, the Board has created a wireless service authority as a public body politic and corporate by resolution duly adopted on August 2, 2017.

NOW THEREFORE, the Board hereby certifies and states as follows:

1. Name of the Authority. The name of the wireless service authority is the “Albemarle Broadband Authority.”

2. Address of the Authority’s Principal Office. The physical address of the Albemarle Broadband Authority’s principal office is the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902.

3. Name of the Locality Creating the Authority. The name of the locality creating the Albemarle Broadband Authority is the County of Albemarle, Virginia.

4. Names, Addresses, and Terms of Office of the First Members of the Authority’s Board of Directors. The names, addresses, and terms of office of the first members of the Albemarle Broadband Authority’s Board of Directors are:

- | | | |
|----|----------------------------|---|
| A. | Name:
Address:
Term: | Liz A. Palmer
401 McIntire Road, Charlottesville, Virginia 22902
Concurrent with the elected term of office on the Board of Supervisors |
| B. | Name:
Address:
Term: | Richard Randolph
3191 Darby Road, Charlottesville, Virginia 22947
Concurrent with the elected term of office on the Board of Supervisors |
| C. | Name:
Address:
Term: | William Fritz
1506 Rialto Street, Charlottesville, Virginia 22902
4 years from the date of appointment or until the person ceases to hold the qualifying office, whichever occurs first |
| D. | Name:
Address:
Term: | Michael Culp
330 Swift Fox Lane, Charlottesville, Virginia 22901
4 years from the date of appointment or until the person cease to hold the qualifying office, whichever occurs first |
| E. | Name:
Address:
Term: | Landon McDowell
415 Harrison Street, Scottsville, Virginia 24590
4 years from the date of appointment |

F. Name: William Walsh
 Address: 6495 Indian Ridge Drive, Earlysville, Virginia 22936
 Term: 4 years from the date of appointment

5. Purposes of the Authority. The purposes for creating the Albemarle Broadband Authority are to provide qualifying communications services as authorized by Article 5.1 (Virginia Code § 56-484.7:1 *et seq.*) of Chapter 15 of Title 56 of the Virginia Code.

6. Powers of the Authority. The Albemarle Broadband Authority shall exist and exercise the powers set forth in, and be subject to, the Virginia Wireless Service Authorities Act (Virginia Code § 15.2-5431.1 *et seq.*). The powers shall be exercised by the Albemarle Broadband Authority's Board of Directors.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018010, #2018011 (amended), #2018012, #2018013, #2018014, #2018015, #2018016, #2018017, and #2018018 are approved; and
- 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, 2018.