

ACTIONS

Board of Supervisors Meeting of April 4, 2012

April 10, 2012

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:03 a.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis and Ella Jordan. 	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED to the final agenda consideration of a letter to Governor McDonnell in opposition to Senate Bill 497 – VRS Amendments ACCEPTED the final agenda. 	
<p>5. Brief Announcements by Board Members. <u>Rodney Thomas</u></p> <ul style="list-style-type: none"> Announced that staff would be sending out a letter summarizing the status of Rockdale Quarries following their recent meeting. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that there is an upcoming hazardous waste collection day on April 14th. 	
<p>6. Recognitions:</p> <p>a. Proclamation recognizing April 2012 as Fair Housing Month.</p> <ul style="list-style-type: none"> Chair presented proclamation to Karen Reifenberger, Deputy Director of Piedmont Housing Alliance. 	(Attachment 1)
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Ann Neumark</u> provided Board members with a petition in opposition to possible growth area boundary expansion of Somerset Farm property. <u>Carolyn Cades</u> expressed opposition to the possible growth area boundary expansion of Somerset Farm property. <u>Bill Schrader</u> expressed support for the Crozet Library project and said the Library Fundraising Committee was ready to begin its work. <u>Sally Thomas</u> introduced DeForest Mellon, a University of Virginia scientist, who was present to speak about climate change. <u>DeForest Mellon</u> spoke about climate change. <u>Charles Battig</u> spoke about climate change. <u>Emerald Young</u> spoke about eliminating fluoridation in water. <u>John Martin</u> spoke about the need for solid waste services. 	
<p>8.2 New Sublease Agreement with UVA for proposed Ivy Fire Station to be located in the Kirtley Warehouse property.</p> <ul style="list-style-type: none"> APPROVED the County's entering into a new Sublease that has been approved as to content and form by the County Attorney and AUTHORIZED the County Executive to sign the Sublease and associated documents after approval as to content and form by the County 	<p><u>County Attorney's office:</u> Provide Clerk with copy of signed document.</p>

	Attorney.	
8.3	<p>Extension of the Lewis & Clark Exploratory Center lease for office space in the McIntire County Office Building.</p> <ul style="list-style-type: none"> • APPROVED the Agreement of Lease and AUTHORIZED the County Executive to sign the Lease on behalf of the County. 	<u>County Attorney's office:</u> Provide Clerk with copy of signed document.
8.4	<p>Revised Community Use of County Facilities Policy.</p> <ul style="list-style-type: none"> • PULLED to discuss at end of agenda. 	
8.5	<p>Resolution accepting Rushia/Fleckles offer to sell conservation easement.</p> <ul style="list-style-type: none"> • APPROVED a limited waiver of the ACE ordinance on the Rushia/Fleckles property to allow the owners to build within the specified excepted areas within the Mountain Overlay District; ADOPTED Resolution accepting the Rushia/Fleckles offer to sell a conservation easement to the County, for the price specified and subject to the terms and conditions contained in a deed of easement acceptable in form to the County Attorney, and AUTHORIZED the County Executive to sign the final deed of easement for this property. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)
8.6	<p>Cville Bike mApp Project Resolution.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	<u>Clerk:</u> Forward resolution to Sarah Rhodes at TJPDC. (Attachment 3)
8.7	<p>Resolution to accept road(s) in Lambert Point Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED Resolution. 	<u>Clerk:</u> Forward copy of resolution and signed AM-4.3 Form to Glenn Brooks. (Attachment 4)
8.8	<p>Solid Waste – Extension of RSWA Agreements and Future County Services.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to extend the RSWA agreements for both Ivy and McIntire through FY 13. 	<u>Mark Graham/George Shadman:</u> Proceed as approved.
9.	<p>Pb. Hrg: Keswick Lake - Request to amend the Albemarle County Service Authority Jurisdictional Area Boundary.</p> <ul style="list-style-type: none"> • By a vote of 6:1(Thomas), DENIED request. 	<u>David Benish:</u> Notify applicant.
10	<p>Pb. Hrg: Wayland Easement.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving Deed of Exchange involving Parcel 39-29C. 	<u>Clerk:</u> Forward County Attorney's office copy of signed resolution. (Attachment 5) <u>County Attorney's office:</u> Provide Clerk with copy of signed document.
11.	<p>Pb. Hrg: FY 2012 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the FY 2012 budget amendment in the amount of \$4,128,498.89 and APPROVED Appropriations #2012061, #2012062, #2012063, #2012064, #2012065, #2012066, and #2012067 to provide funds for various local government and school projects and programs. 	<u>Clerk:</u> Forward copy of signed appropriation forms to OMB, Finance and appropriate individuals.
12.	<p>Pb. Hrg: SP-2011-00031. Greenbrier Emergency Animal Hospital (Sign #52).</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP-2011-00031 subject to four conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 6)
13.	<p>Pb. Hrg: SP-2011-00029. VERIZON WIRELESS Keswick Tier III Personal Wireless Service Facility (Sign #49).</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP-2011-00029 	<u>Clerk:</u> Set out condition of approval. (Attachment 6)

<p>subject to one condition, and APPROVED modification of Sections 5.1.40(c)(3) and (c)(3)ii for reasons outlined in the staff report and mentioned in the presentation.</p>	
<p>At 10:51 a.m., the Board recessed and then reconvened at 11:07 a.m.</p>	
<p>14. Beard Crozet Property: Water Protection Ordinance – Appeal of Decision by the Program Authority Under County Code § 17-321.</p> <ul style="list-style-type: none"> By a vote of 6:0, ACCEPTED the applicant's request to defer this request appealing the decision by the Program Authority, and DIRECTED staff to draft and bring forward an amendment to the Water Protection Ordinance to allow for development within the outer 50 feet of the 100 foot stream buffer on an intermittent stream within a development area that is within a water supply protection area provided that there is an approved mitigation plan.. 	<p><u>County Attorney/Community Development:</u> Proceed as directed.</p>
<p>15. Cedar Hill Mobile Home Estates – Central Sewerage System.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED a central sewerage system for the Cedar Hills Mobile Home Estates subject to six conditions. 	<p><u>Clerk:</u> Set out condition of approval. (Attachment 7)</p>
<p>16. VDoT Report, David Crim. <u>David Crim:</u></p> <ul style="list-style-type: none"> Introduced Greg Banks, VDoT's Secondary Planning Coordinator. Summarized the monthly report. In terms of the bridges on Route 745, Arrowhead Valley Road, they will be replacing only the southernmost bridge. VDoT will be closing Route 627, Old Carters Mountain Road, to do some bridge infill – hope to complete the work by Friday, April 6th. Announced that he will be leaving VDoT on April 24, 2012. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> Will forward VDoT's report on Rio Mills Road to all Board members. Mr. Crim added that the speed study did not reflect a change in speed limit; VDoT plans to implement some traffic calming methods on the road. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Asked about status of preliminary design for the Broomley Road bridge replacement project. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Asked about status of barrier on west Rio Road located near the piano shop. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> Asked for designation of "school zone" on Route 6 near Yancey Elementary School. 	<p><u>Clerk:</u> Forward comments to David Crim.</p>
<p>17. Work Session: Review of County's Priority List of Secondary Road Improvements and the VDoT Six Year Secondary Road Construction Program Budget.</p> <ul style="list-style-type: none"> HELD. Public hearing scheduled for May 9th. 	<p><u>Clerk:</u> Advertise public hearing.</p>
<p>18. Closed Meeting. Personnel and Legal Matters.</p>	

<ul style="list-style-type: none"> At 12:50 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to discuss and consider appointments to specific boards, committees and commissions; under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding the negotiation of an interjurisdictional agreement for regional library; and under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding the negotiation of an agreement with volunteer rescue squads to implement revenue recovery. 	
<p>19. Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 2:33 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
<p>20. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED William (Bill) Schrader and Nancy Virginia Bain, and APPOINTED Leslie Burns and George Barlow to the Crozet Community Advisory Council, with said terms to expire March 31, 2014. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>21. Community Water Fluoridation, Dr. Lillian Peake.</p> <ul style="list-style-type: none"> RECEIVED. 	
<p>22. Economic Vitality Action Plan Quarterly Report.</p> <ul style="list-style-type: none"> RECEIVED. 	
<p>23. Crozet/Western Albemarle Library – Update on Bids and Budget for Library Project.</p> <ul style="list-style-type: none"> By a vote of 5:1(Boyd), AUTHORIZED staff to proceed with executing a contract with the lowest, responsive bidder and proceed with construction of the project. 	<p><u>Trevor Henry/Ron Lilley:</u> Proceed as approved.</p>
<p>24. Calendar Year 2012 Tax Rate Resolution.</p> <ul style="list-style-type: none"> By a vote of 5:1(Boyd) ADOPTED resolution to set calendar year 2012 tax rates. 	<p><u>Clerk:</u> Forward copy of signed resolution to OMB, Finance and County Attorney’s office. (Attachment 8)</p>
<p>25. Adoption of FY 2012/2013 Operating and Capital Budgets.</p> <ul style="list-style-type: none"> DISCUSSED outstanding budget-related issues and scheduled for action on April 11th. 	<p><u>Clerk:</u> Schedule on April 11th agenda.</p>
<p>26. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED Chair to send letter to Governor McDonnell regarding SB 497 VRS Amendments. Consent Agenda Item 8.4, consensus to pull for staff to relook at working and bring back at future date. <p><u>Christopher Dumler:</u></p> <ul style="list-style-type: none"> Discussed the possible improper timbering of a site that is under land use. Ms. Mallek commented that the Department of Forestry is conducting an investigation. 	
<p>27. Adjourn to April 11, 2012, 3:00 p.m., Room 241.</p> <ul style="list-style-type: none"> At 4:48 p.m., the Board adjourned until April 11, 2012, 10:00 a.m., PVCC, for the Comprehensive Target Markets Report, Presentation by Thomas Jefferson Partnership for Economic Development. 	

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Attachment 1 – Proclamation recognizing April 20-12 as Fair Housing Month

Attachment 2 – Resolution accepting Rushia/Fleckles offer to sell conservation easement

Attachment 3 – Cville Bike mApp Project Resolution

Attachment 4 - Resolution to accept road(s) in Lambert Point Subdivision into the State Secondary
System of Highways

Attachment 5 – Resolution Approving Deed of Exchange Involving Parcel 39-29C

Attachment 6 – Conditions of Approval on Planning items

Attachment 7 - Cedar Hill Mobile Home Estates – Central Sewerage System

Attachment 8 - Calendar Year 2012 Tax Rate Resolution

FAIR HOUSING MONTH

WHEREAS, *April 2012, marks the forty-fourth anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and*

WHEREAS, *the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and*

WHEREAS, *vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and*

WHEREAS, *illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;*

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming

**APRIL, 2012
as
FAIR HOUSING MONTH**

and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.

Signed and sealed this 4th day of April, 2012.

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner of the following property:

Rushia/Fleckles TM 39, Parcel 27 86.700 acres
(Crozet)

and:

WHEREAS, the owner offered to sell a conservation easement on the specified property to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County’s invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for the property described above and authorizes the County Executive to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send a copy of this resolution to the owner of the property identified herein, or her contact person.

RESOLUTION OF ENDORSEMENT

CHARLOTTESVILLE-ALBEMARLE MPO *Cville Bike mApp* PROJECT

WHEREAS, the Charlottesville-Albemarle Metropolitan Planning Organization, in conjunction with the City of Charlottesville, Albemarle County, the University of Virginia, and *BikeCharlottesville*, has developed a bike mapping application for iPhone and Android; and

WHEREAS, this mapping application will allow the MPO and MPO stakeholders to better understand how cyclists use the transportation network; and

WHEREAS, this mapping application will allow the MPO and MPO stakeholders to identify cycling corridors and barriers throughout the region; and

WHEREAS, this mapping application will aid the MPO and MPO stakeholders in determining where to invest limited cycling funding for infrastructure enhancements and improvements; and

WHEREAS, this mapping application will allow the MPO and MPO stakeholders to gather cycling data using a new and accessible collection method; and

WHEREAS, this project provides an opportunity for collaborative, region-wide, transportation planning for cycling:

NOW, THEREFORE, BE IT RESOLVED that the County of Albemarle does hereby support the *Cville Bike mApp* project.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 4th day of November 2009, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Lambert Point Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 4, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Lambert Point**, as described on the attached Additions Form AM-4.3 dated **April 4, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Half Moon Court (State Route 1642)** from Route 743 (Earlsville Road) to 0.235 miles east and the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3400, pages 10-14, with a 50-foot right-of-way width.

**RESOLUTION APPROVING DEED OF EXCHANGE
INVOLVING PARCEL 39-29C**

WHEREAS, the County has received a request to release its water rights previously acquired by deeds dated April 30, 1947 and April 1, 1952 over Tax Map Parcel 39-29C, adjacent to Mint Spring Park; and

WHEREAS, the current owners and prospective purchasers of Parcel 39-29C are willing to convey a limited conservation easement to the County in exchange for the County's release of those water rights over that property.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby approves the acquisition of a limited conservation easement over Parcel 39-29C in exchange for the release of the County's water rights previously acquired by deeds dated April 30, 1947 and April 1, 1952 over that property, and further authorizes the County Executive to execute all documents necessary for completing the exchange.

SP-2011-00031. Greenbrier Emergency Animal Hospital

1. There shall be no outside exercise area. However, walking of animals is permitted and shall be delineated with either post and cable or fencing to an area in the northwest corner of the parcel as shown on the attachment (described in 3);
2. No animals are to be confined outside;
3. Use is limited to 370 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman and Associates, LLC, dated April 13, 2005; and
4. No overnight boarding shall be permitted, except for those animals under emergency medical care.

SP-2011-00029. Keswick Verizon Wireless, Tier III PWSF

1. All work shall be done in general accord with what is described in the applicant's request and conceptual plan, entitled "Keswick Johnson Property 4460 Richmond Road Keswick, VA Existing Co-location LTE (4G) Upgrade" prepared by Stuart P. Patterson and dated 2/15/12.

Cedar Hill Mobile Home Estates – Central Sewerage System Conditions of Approval

1. If Tax Map and Parcel Number 03200-00-00-02210 is subdivided in the future, the central sewerage system shall be converted in to a public sewage system, provided that Board may approval a central sewerage system as part of that subdivision.
2. The Owner shall obtain approval of the final plans for the central sewerage system by the County Engineer before starting construction of the system.
3. The Owner shall obtain a plumbing permit from the County before starting construction of the central sewerage system and the system shall not be used until the Building Official has determined the system is operational.
4. The Owner shall obtain all required approvals from the Virginia Department of Environmental Quality and the Virginia Department of Health before starting construction of the central sewerage system.
5. The Owner shall obtain approval from the Albemarle County Service Authority before starting construction of the central sewerage system.
6. The operation of the central sewerage system shall be the responsibility of the owner of Tax Map and Parcel Number 03200-00-00-02210.

**RESOLUTION TO SET
CALENDAR YEAR 2012 TAX RATES**

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2012 for general County purposes at Seventy-Six and Two-Tenths Cents (\$0.762) on every One Hundred Dollars of assessed value of real estate; at Seventy-Six and Two-Tenths Cents (\$0.762) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Six and Two-Tenths Cents (\$0.762) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

FURTHER orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.