

ACTIONS
Board of Supervisors Meeting of August 14, 2013

August 16, 2013

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:04 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis and Travis Morris. 		Listen
2. Work Session: Firearms Training Facility. <ul style="list-style-type: none"> Held. By a vote of 6:0 DIRECTED staff to pursue the Milton site as the preferred location for the firearms training facility. 	<u>Trevor Henry:</u> Proceed as directed.	
3. Work Session: CPA-2013-01. Comprehensive Plan Update/Amendment. <ul style="list-style-type: none"> Held. CONSENSUS to methodically review each chapter and/or policy issue raised by Board members followed by a public hearing. 	<u>Wayne Cilimberg/Elaine Echols:</u> Proceed as directed.	Listen
4. Discussion: Status Update on Project Based Vouchers: The Crossings at 4 th and Preston. <ul style="list-style-type: none"> DIRECTED staff to coordinate a meeting through Congressman Hurt's office with Congressman Hurt, County staff, Chair, Vice Chair and appropriate HUD field office and headquarters staff regarding the voucher process. 	<u>Ron White:</u> Proceed as directed.	Listen
From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley:</u> <ul style="list-style-type: none"> Provided additional information on the Gigabit Communities Race to the Top Program and proposed that staff bring back additional information on the Program and other grants. 	<u>County Executive:</u> Notify Clerk when ready to schedule on agenda.	Listen
5. Recess. <ul style="list-style-type: none"> At 4:41 p.m., the Board recessed until 6:03 p.m. 		
6:00 P.M. – Regular Night Meeting		
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 6:03 p.m., by the Chair, Ms. Mallek. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> AGREED to determine if the Board wants to consider adoption of the proposed Women's Equality Day Proclamation. <u>Ms. Mallek</u> <ul style="list-style-type: none"> Added discussion on mapping software that is currently used by Century Link and the E-911 system. Added a discussion on the Board's interest in widening the ability of long established commercial properties in the rural area to move to another commercial use that is less intense than the one that has historically been there which is currently not allowed. By a vote of 6:0 ADOPTED the final agenda. 		Listen
5. Brief Announcements by Board Members.		

	<ul style="list-style-type: none"> • There were none. 		
6.	<p>Proclamation Recognizing August 26, 2013 Women's Equality Day.</p> <ul style="list-style-type: none"> • By a vote of 4:2 (Rooker, Mallek) motion to adopt the proposed proclamation from NOW FAILED. • By a vote of 6:0, motion to table proclamation and bring back revised wording PASSED. 		Listen
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Following persons spoke on the proposed Route 29 Western Bypass:</u> <ul style="list-style-type: none"> • John Cruickshank • Kirk Bowers • George Larie • Randy Salzman • Erika Herz • Jeff Werner • <u>Following persons spoke on the proposed Comprehensive Plan:</u> <ul style="list-style-type: none"> • Mike Basile • Audrey Wellborn • Helen Swift Dovel • <u>Lena M. Seville</u> spoke on the need for more public transportation in the County. • <u>Charles Battig</u> spoke about wi-fi in the school system. • <u>Carole Thorpe</u> spoke on the effects that proclamations have on the entire County. 		Listen
8.2	<p>Resolution authorizing the issuance of revenue bonds by the Industrial Development of the Town of Louisa, in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk:</u> Forward signed resolution to bond counsel and copy to County Attorney's office. (Attachment 1)	Listen
8.3	<p>Resolution authorizing the issuance of revenue bonds by the Industrial Development of Fluvanna County in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk:</u> Forward signed resolution to bond counsel and copy to County Attorney's office. (Attachment 2)	
8.4	<p>FY 2014 Budget Amendment and Appropriation.</p> <ul style="list-style-type: none"> • APPROVED appropriation #2014025 to provide funds for a local government project and program. 	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals of approved appropriation.	
8.5	<p>Road name change of Anchorage Farm to Farm Vista Road.</p> <ul style="list-style-type: none"> • APPROVED changing the road name of Anchorage Farm to Farm Vista Road and AUTHORIZED staff to implement the change. 	<u>Community Development:</u> Proceed as approved.	
8.6	<p>ZMA-2012-00004. Avon Park II (Signs #89&91) (At request of applicant, defer to September 11, 2013).</p> <ul style="list-style-type: none"> • DEFERRED ZMA-2012-00004 to September 11, 2013. 	<u>Clerk:</u> Schedule ZMA-2012-00004 on September 11 agenda.	
8.7	<p>ZMA-2013-00006. Estes Park- Proffer Amendment (At request of applicant, defer to September 11, 2013).</p>	<u>Clerk:</u> Schedule ZMA-2013-00006 on September 11 agenda.	

	<ul style="list-style-type: none"> • DEFERRED ZMA-2013-00006 to September 11, 2013. 		
8.8	<p>Resolution to accept road(s) in Langdon Woods Subdivision into the Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Glenn Brooks and County Attorney's office. (Attachment 3)</p>	
8.9	<p>Resolution for the abandonment and addition of roads as a result of the John W. Warner Parkway construction.</p> <ul style="list-style-type: none"> • Pulled for discussion at the end of agenda. 		
9.	<p><u>Pb. Hrg.: SP-2012-00021. Faith & Grace Christian Fellowship (Sign #77&80).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0 APPROVED SP-2012-00021 Faith & Grace Christian Fellowship with the conditions as recommended by staff. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 4)</p>	<p>Listen</p>
10.	<p><u>Pb. Hrg: SP-2013-00005. The Field School of Charlottesville (Sign #65).</u></p> <ul style="list-style-type: none"> • By a vote of 4:2 (Thomas, Boyd) DEFERRED SP-2013-00005 to October 9, 2013. 	<p><u>Clerk:</u> Schedule SP-2013-00005 on October 9 agenda.</p>	<p>Listen</p>
11.	<p><u>ZMA-2012-00004. Avon Park II (Signs #89&91).</u></p> <ul style="list-style-type: none"> • Moved to consent agenda for deferral action. 		
12.	<p><u>ZMA-2013-00006. Estes Park- Proffer Amendment.</u></p> <ul style="list-style-type: none"> • Moved to consent agenda for deferral action. 		
13	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Announced that she would send her comments through email. • By a vote of 6:0 APPROVED consent agenda item #8.9. 	<p><u>Clerk:</u> Forward copy of signed resolution to Glenn Brooks and County Attorney's office. (Attachment 5)</p>	<p>Listen</p>
14.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
15.	<p>Adjourn to August 21, 2013, 9:00 a.m., Morven Farms.</p> <ul style="list-style-type: none"> • At 10:56 p.m., the Board adjourned until August 21, 2013. 		

ewj/tom

Attachment 1 – Resolution authorizing the issuance of revenue bonds by the Industrial Development of the Town of Louisa, in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc

Attachment 2 – Resolution authorizing the issuance of revenue bonds by the Industrial Development of Fluvanna County in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc

Attachment 3 – Resolution to accept road(s) in Langdon Woods Subdivision into the Secondary System of Highways

Attachment 4 – Conditions of Approval

Attachment 5 – Resolution for the abandonment and addition of roads as a result of the John W. Warner Parkway construction

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 (the "Bonds") to assist the Company in (A) refinancing the Authority's \$7,601,200 Community Services Board Facilities Revenue Bond (Region Ten Project) Series 2006 (the "Series 2006 Bond"); and (B) paying all or a portion of the costs of issuance of the Bonds. The Series 2006 Bond was issued by the Authority on December 21, 2006, with the proceeds thereof being applied by the Company to: (1) refinance the Industrial Development Authority of Albemarle County, Virginia's \$5,000,000 Variable Rate Community Services Facilities Revenue Bonds (Region Ten Community Services Board, Inc.), Series 1999, issued on August 31, 1999 to finance and refinance (a) several Company facilities located in the City of Charlottesville, Virginia at 800 Preston Avenue, 1907 Cedar Hill Road, 720 Highland Avenue, 719 Shamrock Road, 100 Burnett Street, 2000 Michie Drive, and 401 4th Street NW; and (b) Company Facilities located in the County of Albemarle, Virginia at 4312 Dickerson Road; (2) finance the acquisition, construction, renovation and equipping of the property known as Mountainwood, to house the Company's administrative offices and community services, located on an approximately 9 acre tract of land on Old Lynchburg Road, in the County of Albemarle, Virginia; and (3) finance the acquisition, construction, renovation and equipping of the Nelson County Counseling Center located at Tanbark Plaza, Lovingson (Nelson County), Virginia (the projects described in clauses (1)-(3) above are collectively referred to herein as, the "Project");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance bonds;

WHEREAS, a portion of the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as (the "Virginia Code"), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the County on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and concur with the Authority's inducement resolution regarding the issuance of the Bonds (the "Resolution"); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the Resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as and to the extent required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.

4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Albemarle, Virginia this 14th day of August, 2013.

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Economic Development Authority of Fluvanna County, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 (the "Bonds") to assist the Company in (1) refinancing that certain \$4,711,400 Region Ten Community Services Board, Inc. Taxable Note (Region Ten Project), Series 2006, which was issued by the Industrial Development Authority of the Town of Louisa, Virginia ("Louisa IDA") (the "Series 2006 Note"), (2) financing the costs of construction and equipping of up to 12,000 square feet of additional space at, and further renovation and equipping of other portions of, the Company's existing facility located at 800 Preston Avenue, Charlottesville, Virginia 22903, (3) financing all or a portion of the costs of issuance of the Bonds in permissible amounts, and (4) paying capitalized interest on the Bonds for a period not to exceed one year after the date of issuance of the Bonds. The Series 2006 Note was issued by the Louisa IDA on December 21, 2006 to finance and refinance a portion of the costs of acquisition, construction and equipping of the Company's headquarters facility located at 500, 502, and 504 Old Lynchburg Road, Charlottesville (Albemarle County), Virginia 22901;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance bonds;

WHEREAS, a portion of the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as (the "Virginia Code"), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the County on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and concur with the Authority's inducement resolution regarding the issuance of the Bonds (the "Resolution"); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the resolution to be adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.
4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Albemarle, Virginia 14th day of August, 2013.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 14th August 2013, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Langdon Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 14, 2013**, 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 **Langdon Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 14, 2013**, 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) **Langdon Drive (State Route 1758)** from (Route 1759) Langdon Woods Drive south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.21 miles.
- 2) **Langdon Woods Drive (State Route 1759)** from (Route 1758) Langdon Drive south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.38 miles.
- 3) **Langdon Drive (State Route 1758)** from (Route 663) Simmons Gap Road south to (Route 1759) Langdon Woods Drive, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.11 miles.

Total Mileage – 0.70

CONDITIONS OF APPROVAL

SP-2012-00021. Faith & Grace Christian Fellowship (Sign #77&80).

1. Development and use shall be in general accord with the conceptual plan titled "Faith and Grace Christian Fellowship," prepared by Nathaniel Rexrode, dated January 13, 2013 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development and use shall reflect the following major elements in the approximate location, number and extent as shown on the Conceptual Plan:
 - location and size of the church building
 - the location of the parking areas and the entrances from the public road
 - location and extent of plantings

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The structure labeled on the conceptual plan as "1 Story w/Basement" shall not be used for worship services.
3. The use shall not commence until all parking spaces have been delineated by the use of parking stops.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
5. There shall be no day care center or private school on site without approval of a separate special use permit.
6. The use shall not commence without written approval from the Virginia Department of Health of the water supply and septic system.
7. The use shall not commence without approval from the building official and the fire official.
8. The use shall not commence until a plat combining tax map parcels 087B0-00-00-001A0 and 087B0-00-00-00200 has been recorded.
9. The use shall commence on or before August 14, 2015 or the permit shall expire and be of no effect.
10. The use shall not commence until a fence is installed along the full length of the property boundary with parcel 08700-00-00-03300 (provided that the fence shall not be placed to interfere with sight distance from the church entrance). The fence shall be a solid board fence, shall be six feet tall, shall be between the church building and the property boundary, and shall remain unpainted. The fence shall be installed and maintained in good condition by the applicant in a location that does not require the removal of any trees of more than three (3) inches diameter at breast height (DBH) between the church building and parcel 08700-00-00-03300.
11. Outdoor amplified sound is prohibited and for any indoor amplified sound the windows shall be closed.

The Board of County Supervisors of Albemarle County, Virginia, in a regular meeting on the 14th day of August , 2013, adopted the following:

R E S O L U T I O N

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated October 28, 2011, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 631 (Rio Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.58 miles south of Route 650 (Seg L), for a distance of 0.14 miles; those portions of Route 631 (Rio Road) from 0.17 miles southeast to Route 650 (Seg E) to 0.44 miles southeast of Route 650 (Seg G), for a distance of 0.27 miles; and those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.05 miles east (Seg H), for a distance of 0.05 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 631 (Rio Road) identified as from 0.17 miles southeast of Route 650 (Seg E) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.15 miles, with a right-of-way width of 80.5 feet; those portions of Route 885 (Dunlora Drive) identified as from 0.32 miles southeast of Route 650 (Seg D) to 0.36 miles southeast of Route 650 (Seg J) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from 0.39 miles southeast of Route 650 (Seg C) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.07 miles, with a right-of-way width of 80.5 feet; those portions of Route 631 (Rio Road) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.08 miles southeast of Route 2500 (Seg L) for a distance of 0.03 miles, with a variable right-of-way width of 67 feet; those portions of Route 1177 (Dunlora Drive) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.11 miles east of Seg (J) for a distance of 0.11 miles, with no right-of-way width; those portions of Route 1177 (Dunlora Drive) identified as from 0.07 miles west of Route 1239 (Seg J) to 0.03 miles west of Route 1239 (Seg H) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from Route 2500, a distance of 1.01 miles north of Route 3412 (Seg C) to 0.05 miles southeast of Route 2500 (Seg K) for a distance of 0.05 miles, with a variable right-of-way width of 67 feet; those portions of Route 2500 (John W. Warner Parkway) from A-Melbourne Road (City street) to 0.70 miles north of Melbourne Route (B-Bridge Structure 6402), a distance of 0.70 miles, with a variable right-of-way width of 41 feet; and those portions of Route 2500 (John W. Warner Parkway) identified as from 0.70 miles north of the intersection with Route 3412 (Node B) to 0.31 miles north to intersection with Route 631 (Rio Road)(Node C), for a distance of 0.31 miles, with no right-of-way width, pursuant to Section 33.1-229, of the Code of Virginia; and

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