

ACTIONS
Board of Supervisors Meeting of October 9, 2013

October 10, 2013

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:35 p.m., by the Chair, Ms. Mallek. All BOS members were present (Mr. Craddock arrived at 3:49 p.m.). Also present were Tom Foley, Larry Davis and Ella Jordan. 		Listen
<p>2. Presentation: Northside Library Schematic Design.</p> <ul style="list-style-type: none"> RECEIVED. 		
<p>3. Work Session: Solid Waste Convenience Centers, to include public input and Board direction.</p> <ul style="list-style-type: none"> RECEIVED. By a vote of 6:0, DIRECTED staff to proceed with site selection analysis using the map (Attachment B to staff report) and the selection criteria provided in the staff report, and to work directly with the Supervisor in whose district a site is being considered; and DIRECTED staff to proceed with the design of a convenience center at the Keene property, noting that the initial design cost should not exceed \$50,000, and that staff provide an estimate for construction to the Board prior to advertising for bids. CONSENSUS that staff provides a communication plan for community engagement. CONSENSUS that staff provides information on the continuation of recycling services at McIntire. 	<p><u>Mark Graham:</u> Proceed as directed.</p> <p><u>Clerk:</u> Schedule on agenda when ready to come back to Board.</p>	Listen
<p>4. Work Session: CPA-2013-01. Comprehensive Plan Update - Natural Resources; Historic, Cultural, and Scenic Resources; and Economic Development.</p> <ul style="list-style-type: none"> Due to time constraints, this item was deferred to November. 		
<p>NonAgenda. At 5:06 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) and Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the compensation of specific County employees.</p>		
6:00 P.M. – Regular Night Meeting		
<p>5. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 6:18 p.m., by the Chair, Ms. Mallek. The Board also reconvened into open meeting and certified the closed meeting. 		Listen
<p>8. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, the Board DEFERRED ZMA-2012-00003 Out of Bounds, at the request of 		

<p>the applicant, to November 13, 2013 contingent upon receipt of final proffers by the advertising date.</p> <ul style="list-style-type: none"> • By a vote of 6:0, the Board DEFERRED ZMA-2013-00003 1306 Crozet Avenue, at the request of the applicant, to November 13, 2013 contingent upon receipt of final proffers by the advertising date. • ACCEPTED the final agenda. 		
<p>9. Brief Announcements by Board Members. <u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Recognized Boy Scout Troop #1028 in the audience who are working on their Citizenship and Community Merit Badges. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> • Announced that Albemarle received an award from the Southeast Energy Efficiency Alliance organization for strategic investment in energy efficiency. • Mr. Rooker announced that anyone who would like to have an energy audit of their home can call LEAP and schedule it. 		
<p>10.1 Resolution to accept McIntire Road (Route 631) (Project #104 U000-104-102,C-501) into the State 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. (Attachment 1)</p>	
<p>10.2 Church of Our Savior Special Exceptions (Critical slopes waiver and 20' Buffer Waiver) associated with the site plan (SDP-2012-49).</p> <ul style="list-style-type: none"> • APPROVED critical slopes waiver to allow disturbance of small areas of what appears to be man-made critical slopes next to the proposed two story building and future location of one stone terrace wall and portion of new ADA accessible pedestrian connections; and APPROVED buffer disturbance waiver to disturb the buffer zone adjacent to residential districts to facilitate construction of one stone terraced wall, modification to the Church's existing overflow gravel parking, the addition of four paved handicapped spaces, the regrading and repaving of existing drive aisle on the Eastern portion of the property, and the construction of new ADA accessible pedestrian connections to the main church building and existing gravel overflow parking. 	<p><u>Community Development:</u> Proceed as approved.</p>	
<p>10.3 FY 14 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED appropriations #2014047, #2014048, and #2014049 to provide grant funding for local government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed appropriations form to OMB, Finance and appropriate individuals.</p>	
<p>10.5 Proclamation recognizing October 7, 2013 as <i>World Habitat Day</i>.</p> <ul style="list-style-type: none"> • ADOPTED proclamation. 	<p>(Attachment 2)</p>	
<p>11. Recognition:</p> <ul style="list-style-type: none"> • Chair read proclamation from consent agenda (Item 10.5). 		
<p>12. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following persons commented on SP-2013-</u></p>		

<p>00005:</p> <ul style="list-style-type: none"> • <u>George Foresman</u> spoke in opposition. • <u>Bob Templeman</u> spoke in opposition. • <u>Lettie Bien</u> spoke in opposition. • <u>David Schmidtt</u> spoke in opposition. • <u>Karen Schwenzer</u> spoke in opposition. • <u>Chuck Boldt</u> spoke in opposition. • <u>Frank Fountain</u> spoke in support. • <u>Leo Connally</u> spoke in support. • <u>Neil Higgins</u> spoke in support. • <u>Jennifer Wilson</u> spoke in support. • <u>Mike Kinkler</u> spoke in support. • <u>Chris McLean</u> spoke in support. • <u>Kasia Otterbein</u> spoke in opposition. • <u>Ian Clickner</u> spoke in support. • <u>Charles Battig</u> made presentation on climate change. 		Listen
<p>13. <u>SP-2013-00005. The Field School of Charlottesville (Sign #65).</u></p> <ul style="list-style-type: none"> • By a vote of 3:3(Rooker/Thomas/Boyd) motion to APPROVE SP-2013-00005 subject to the recommended conditions, as amended, FAILED. 		Listen
<p>NonAgenda. At 8:50 p.m., the Board recessed and then reconvened at 9:00 p.m.</p>		
<p>14. <u>Pb. Hrg: FY 13 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> • APPROVED the FY 2013 budget amendment in the amount of \$3,784,758.42 and APPROVED appropriation #2013112 to provide required funding for the Comprehensive Services Act Fund. 	<p><u>Clerk:</u> Forward copy of signed appropriation form to OMB, Finance and appropriate individuals.</p>	Listen
<p>15. <u>Pb. Hrg: SP-2013-00013. Roberts & SP-2013-00014. Roberts Public Garage (Sign #108).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP-2013-00013 • Subject to the one recommended conditions. • By a vote of 6:0, APPROVED SP-2013-00014 subject to conditions as recommended by staff. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 3)</p>	Listen
<p>16. <u>Pb. Hrg: SP-2013-00012. Les Yeux du Monde (Sign #120).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP-2013-00012 subject to nine conditions as recommended by staff. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 3)</p>	Listen
<p>17. <u>Pb. Hrg: ZMA-2012-00003. Out of Bounds (Sign #6).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, at the request of the applicant, DEFERED until November 13, 2013. 	<p><u>Clerk:</u> Schedule on November 13, 2013 agenda.</p>	
<p>18. <u>Pb. Hrg: ZMA-2013-00003. 1306 Crozet Avenue (Signs #55&56).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, at the request of the applicant, DEFERRED until November 13, 2013. 	<p><u>Clerk:</u> Schedule on November 13, 2013 agenda.</p>	
<p>19. <u>Pb. Hrg: To consider 1) granting a sanitary sewer easement to the Albemarle County Service Authority and 2) granting temporary construction easements and temporary grading easements to Albemarle Health Care Center LLC.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and ACSA. <u>Clerk:</u> Forward copy of signed resolution to OFD and County Attorney's office. (Attachment 4)</p>	Listen

	approving the proposed easements and AUTHORIZED the County Executive to sign, in a form approved by the County Attorney, the documents related to the Albemarle Health Care Center LLC site development, on behalf of the County.	<u>County Attorney:</u> Provide Clerk with fully execute documents.	
20	From the Board: Committee Reports and Matters Not Listed on the Agenda. • There were none.		Listen
21.	From the County Executive: Report on Matters Not Listed on the Agenda. • There were none.		
22.	Adjourn to October 10, 2013, 2:30 p.m., Room 241. • At 9:33 p.m., the Board adjourned until 2:30 p.m., Room 241, October 10, 2013.		

ewj/tom

Attachment 1 – Resolution to accept McIntire Road (Route 631) (Project #104 U000-104-102,C-501) into the State Secondary System of Highways

Attachment 2 – Proclamation recognizing October 7, 2013 as *World Habitat Day*.

Attachment 3 – Conditions of Approval

Attachment 4 – Resolution Approving Easements Across County Owned Property for Albemarle Health and Rehabilitation Center

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the October 9, 2013, adopted the following resolution:

RESOLUTION

WHEREAS, McIntire Road (Project #104-U000-104-102,C-501), as described on the attached Additions Form AM-4.3 dated **October 9, 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 McIntire Road (Project #104-U000-104-102,C-501) 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 McIntire Road (Project #104-U000-104-102,C-501), as described on the attached Additions Form AM-4.3 dated **October 9, 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) McIntire Road (State Route 631) from (Route 3412) (Node B) to 0.06 miles west of intersection (Node B1) at City of Charlottesville line, with a 55-105 foot right-of-way width.

WORLD HABITAT DAY

OCTOBER 7, 2013

Whereas, the world's housing situation is a crisis in need of attention and action, with 1.6 billion people living in inadequate shelter; and

Whereas, on **World Habitat Day, Oct. 7, 2013**, around the world, individuals, organizations and government officials are raising awareness, educating and mobilizing to take action on the current global housing crisis while working together to ensure adequate housing for all; and

Whereas, as the international community seeks to meet critical shelter needs, reconstruction and neighborhood revitalization initiatives should occur within the framework of a comprehensive local strategy and a development plan supported by the local government and its citizenry; and

Whereas, in our community, despite enormous resources overall, we have significant affordable housing challenges; and

Whereas, the County of Albemarle is committed to increase opportunities for affordable housing for all of its residents; and

Whereas, Habitat for Humanity addresses the causes and systemic issues that perpetuate poverty housing.

NOW, THEREFORE, BE IT RESOLVED, that on this **7th day of October 2013**, the County of Albemarle officially joins Habitat for Humanity of Greater Charlottesville volunteers, homeowners, partners and supporters around the region in recognizing **World Habitat Day**.

CONDITIONS OF APPROVAL

SP-2013-00013. Roberts & SP-2013-00014. Roberts Public Garage (Sign #108).**SP-2013-00013. Roberts**

1. The parcel upon which the public garage is located may only be used as a garage in compliance with SP-2013-00014 until a dwelling is constructed on the property, and not thereafter.

SP-2013-00014. Roberts Public Garage

1. The public garage may only operate until a dwelling is constructed on the property, and not thereafter.
2. The following requirements shall apply to the public garage use:
 - a. The hours of operation for the public garage shall not begin earlier than 8:00 a.m. and shall end not later than 5:00 p.m., each day, Monday through Saturday;
 - b. No outside storage of parts including junk parts. Refuse awaiting disposal shall be stored in appropriate containers;
 - c. No freight shall be handled or stored on-site;
 - d. All work shall be conducted within the garage;
 - e. Repair work and storage shall be limited to equipment owned or operated by the operator of the public garage; and
 - f. No more than four (4) tractor trailers shall be parked in the outside area at any one time.

SP-2013-00012. Les Yeux du Monde (Sign #120).

1. No antique shop or gift shop shall be operated on the property.
2. The gallery use shall take place only in the existing forty (40)-foot by twenty (20)-foot gallery structure, which may be altered but not expanded.
3. The art gallery shall hold no more than ten (10) art-related events per year for more than twenty (20) attendees at any time, and daily attendance for these events shall not exceed fifty (50) persons.
4. The art gallery shall hold no more than twenty (20) art-related events per year for up to twenty (20) attendees at any time, and daily attendance for these events shall not exceed twenty (20) persons. These events are in addition to the events permitted under condition 3.
5. Any art event allowed by conditions 3 or 4 must end by 9:00 p.m.
6. The hours of operation for sales in the art gallery shall not begin earlier than 1:00 p.m. and shall end not later than 5:00 p.m., each day, Thursday through Sunday. Operation outside those hours shall be by appointment only.
7. There shall be no outdoor amplified sound permitted for this use.
8. The use shall commence on or before October 9, 2015 or the permit shall expire and be of no effect.
9. All new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

**RESOLUTION APPROVING EASEMENTS
BETWEEN THE COUNTY OF ALBEMARLE AND
THE ALBEMARLE COUNTY SERVICE AUTHORITY AND
BETWEEN THE COUNTY OF ALBEMARLE AND
ALBEMARLE HEALTH CARE CENTER LLC**

WHEREAS, the County of Albemarle owns certain property located near the Monticello Fire Rescue Station at Mill Creek Drive (Parcel 09100-00-00-002E0) as well as certain property located to its rear at 133 Galaxie Farm Lane (Parcel 09100-00-00-01100); and

WHEREAS, easements across these County-owned properties are necessary for the Albemarle County Service Authority (ACSA) to provide sanitary sewer and water service to Parcel 09100-00-00-012C0 and/or Parcel 09100-00-00-01200 (91 Galaxie Farm Lane) and for Albemarle Health Care Center LLC to construct a new right-of-way across the property to be dedicated to public use and to provide the required grading along the right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of these certain easements to the ACSA and to Albemarle Health Care Center LLC, and authorizes the County Executive to sign, in a form approved by the County Attorney, the following documents:

1. A Certificate of Plat
2. Future Public Road Maintenance Agreement with Albemarle Health Care Center LLC and Galaxie, LLC
3. A Deed of Easement to Albemarle Health Care Center for temporary construction easement and temporary grading easement to construct the future public road
4. A Drainage Easement Dedication by Albemarle County
5. A Drainage Easement Deed from the Albemarle County Service Authority to the County
6. A Sight Distance Easement Dedication by the County
7. A Sight Distance Easement Deed from the Albemarle County Service Authority to the County; and
8. A Sanitary Sewer Easement Deed to the Albemarle County Service Authority (with a temporary easement to Albemarle Health Care Center to construct the sewer line)