

ACTIONS
Board of Supervisors Meeting of April 2, 2014

April 3, 2014

<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 back to order at 9:00 a.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADOPTED, by a vote of 6:0, the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Club Yancey will be hosting a golf tournament on Monday, April 7, at the Spring Creek Golf Club in Gordonsville. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> In celebration of the Monticello wine growing area, the awarding of the Monticello Cup will be held at the Jefferson Theater on Thursday, April 10, 6:00 p.m. to 10:00 p.m. Secretary of Agriculture Todd Haymore will be present. Blue Ridge PACE Center, an all-inclusive care for the elderly, is open. More information is available through JABA. A number of County and area schools participated in the Piedmont Master Gardeners grant program to develop school yard gardens. Beginning Saturday, April 5, there will be live fire training at the training pad along the northwest corner of the Airport property. DMV 2 Go, DMV's mobile customer service center, will be at the Earlysville Volunteer Fire Company, May 1, August 5 and November 24, 2014. <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> Has completed her three town hall meetings. Thanked County staff for its support at the meetings. 		Listen
<p>6. Recognitions:</p> <p>a. Elaine Echols as Fellow in the American Institute of Certified Planners (FAICP).</p> <ul style="list-style-type: none"> Mr. Sheffield recognized Elaine Echols. <p>b. Proclamation recognizing April 2014 Fair Housing Month.</p> <ul style="list-style-type: none"> Ms. Palmer read the proclamation and presented to Margaret David, Piedmont Housing Alliance. ADOPTED, by a vote of 6:0, the proclamation. <p>c. Innovative Leaders Institute.</p> <ul style="list-style-type: none"> Mr. Foley introduced the program and recognized staff who has participated in the Institute. 	(Attachment 1)	Listen
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>David Wyant</u>, Rio District, spoke about funding additional staff at the Crozet Library. 		

<ul style="list-style-type: none"> • <u>Sarasa Subramony</u>, Roslyn Ridge Subdivision, asked the Board to work with VDOT to return properties that were purchased for right-of-way for the Route 29 Western Bypass to the County tax rolls. • <u>Doug Arrington</u>, Samuel Miller District, spoke about the Board's review of the Comprehensive Plan. • <u>Elly Tucker</u>, Jack Jouett District, asked the Board to adopt a resolution to request VDOT to begin the process of liquidating the properties it acquired for the Bypass right-of-way as soon as possible. • <u>Kirk Bowers</u>, Rivanna District, expressed support for a tax increase. • <u>Martha Wilhelm</u>, Jack Jouett District, asked the Board to remove the Bypass from the Six Year Plan and work with VDOT to return properties that were purchased for right-of-way for the Route 29 Western Bypass to the County tax rolls. • <u>Laney Kaminer</u>, Montvue Homeowners Association, asked the Board to support and encourage the sellback of the properties acquired by VDOT for the Bypass. • <u>Charles Battig</u>, spoke about the Comprehensive Plan. • <u>Milton Moore</u>, spoke about how the proposed Bypass has affected the sale of his home. • <u>Jane Porter Fogleman</u>, asked the Board to encourage the sellback of the properties acquired by VDOT for the Bypass. • <u>Tammie Moses</u>, Roslyn Heights, asked the Board to adopt a resolution to request VDOT to sellback the properties acquired for the Bypass • <u>Jeff Werner</u>, PEC, spoke about African-American sites discovery during discussions of the Bypass and asked that the Board ensure that the history of these sites not get lost. • <u>Nancy Flynn</u> spoke about the Board's review of the Comprehensive Plan. 		Listen
<p>8.2 ZMA-2013-00014. North Pointe Neighborhood Investments (Sign #115) (deferred from March 12, 2012).</p> <ul style="list-style-type: none"> • ADOPTED, Resolution to approve ZMA 2013-00014, North Pointe Neighborhood Investments, with revised proffers dated March 25, 2014. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p>	
<p>8.3 FY 2014 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED, appropriations #2014083, #2014084 #2014086, #2014087, #2014088, #2014090, #2014091 and #2014093 for general government programs. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals.</p>	Listen
<p>8.4 Amendment to Albemarle County Purchasing Manual.</p> <ul style="list-style-type: none"> • ADOPTED, Resolution to amend and re-adopt the Albemarle County Purchasing Manual by amending Chapter 22, Small Purchases, and 	<p><u>Clerk:</u> Forward copy of adopted resolution to Finance, Purchasing and County Attorney's office. (Attachment 3)</p>	

	by adding Chapter 29, Participation of Small Businesses and Minority-Owned, Women-Owned, and Service Disabled Veteran-Owned Businesses in County Procurement.		
8.5	<p>Lewis & Clark Exploratory Center Loan Extension.</p> <ul style="list-style-type: none"> • APPROVED, LCEC’s requested repayment deadline for repayment of the loan to October 17, 2014; REQUESTED, that the EDA extend the date by which the loan is due and payable and amend the promissory note to allow for the extension subject to the same terms and conditions; and AUTHORIZED the County Executive to sign an amended loan agreement and promissory note with the EDA on behalf of the County after approval of form and substance by the County Attorney. 	<p><u>County Attorney’s office:</u> Provide Clerk with signed copy of agreement.</p>	
8.6	<p>SDP-2013-00011. Old Trail Village, Block 2B – Special Exception to Authorize Variation #14 from ZMA2004-0024.</p> <ul style="list-style-type: none"> • APPROVED, special exception, subject to the following condition: <ul style="list-style-type: none"> 1. Development results in a building that is in general accord with the architectural drawings numbered A2.1 and A2.2 entitled “The Rutherford Hotel at Old Trail” and dated 07-08-2013. 	<p><u>David Benish/Johnathan Newberry:</u> Proceed as approved.</p>	
8.7	<p>ZTA-2012-00010. Off-site Signs (defer to May 7, 2014).</p> <ul style="list-style-type: none"> • DEFERRED to May 7, 2014 agenda. 	<p><u>Clerk:</u> Schedule on May 7, 2014 agenda.</p>	
9.	<p>Water Resources Community Engagement Process.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, to proceed with the proposed engagement process to include representation on the Advisory Committee from large apartment complexes, development community/large shopping center, with 15 as the optimal size, and to AUTHORIZE the RFP process with staff bringing back a defined scope for review. 	<p><u>County Executive’s office:</u> Proceed as recommended</p>	<p>Listen</p>
10.	<p>Solid Waste Options.</p> <ul style="list-style-type: none"> • Held discussion. • Consensus that staff prepare and provide at a future meeting additional information to assist the Board in determining which approach is the most desirable considering costs for construction and operation at Ivy, as well as services to be provided. Board members to provide any additional questions to staff. • Consensus that staff bring back to the Board for further consideration viable alternatives for providing increased recycling opportunities for County residents in the near term, to include cooperation with public, private and regional entities. • APPOINTED, by a vote of 5:0:1 (Boyd-abstained), the Albemarle County appointees to the Rivanna Solid Waste Authority Citizens Committee, as an advisory committee to the Board to do initial work on long term solutions for solid waste. 	<p><u>County Executive:</u> Proceed as discussed.</p>	<p>Listen</p>

<ul style="list-style-type: none"> • Consensus that staff meet with committee to draft a charge to bring back to Board for consideration. 		
<p>The Board recessed at 11:37 a.m., and reconvened at 11:51 a.m.</p>		
<p>11. Comprehensive Plan Review Process.</p> <ul style="list-style-type: none"> • Consensus to proceed with Alternative 1 as recommended by staff. • Consensus that Board provide Ms. Echols with any other topics of discussion by April 9th. • Consensus that Board schedule work sessions from 4:00 p.m. to 6:00 p.m., during its regular day meeting, and from 5:00 p.m. to 7:00 p.m., at its regular night meetings, and to allow up to 15 minutes at the beginning of each work session to receive public comments. 	<p><u>Elaine Echols</u>: Proceed as discussed.</p>	<p>Listen</p>
<p>12. B. F. Yancey Elementary School Community Use.</p> <ul style="list-style-type: none"> • Continued discussion at end of meeting. 		<p>Listen</p>
<p>13. Board of Supervisors Annual Retreat.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the proposed consultant and the outlined goals as recommended by staff for the retreat. 	<p><u>Louise Wyatt</u>: Proceed as discussed.</p>	<p>Listen</p>
<p>14. Board of Supervisors/City Council Joint Meeting.</p> <ul style="list-style-type: none"> • AGREED that the purpose of the meeting is to socialize and agree on priority items to work on for the future. 	<p><u>County Executive</u>: Proceed as discussed.</p>	<p>Listen</p>
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:55 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; under Subsection (1) to discuss the assignment of a specific public safety employee; under Subsection (3) to discuss the acquisition of real property for court facilities because an open meeting discussion would adversely affect the bargaining position of the County; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding probable litigation concerning a personnel matter because a public discussion would adversely affect the litigating posture of the County. 		<p>Listen</p>
<p>16. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 1:47 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>17. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Ms. Frances Hooper to the Citizens Transportation Advisory Committee (CTAC), with said term to expire April 3, 2017. • REAPPOINTED Mr. Russell Lafferty as the Planning Commission liaison to the Citizens Transportation Advisory Committee (CTAC) with said term to expire April 3, 2017. • APPOINTED Ms. Nancy Fleischman as the White Hall District representative to the Equalization Board with said term to expire December 31, 2014. 	<p><u>Clerk</u>: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	

<ul style="list-style-type: none"> • APPOINTED Ms. Angela Lynn as the White Hall District representative to the Social Services Advisory Board to fill an unexpired term ending December 31, 2015. • APPOINTED Mr. Lynwood Bell as the Rivanna District representative to the Social Services Advisory Board to fill an unexpired term commencing May 13, 2014 and ending December 31, 2015. • REAPPOINTED Ms. Cyndi Burton to the Village of Rivanna Community Advisory Council, with said term to expire March 31, 2016. • APPOINTED Supervisor Liz Palmer to the Thomas Jefferson Planning District Commission (TJPDC), with said term to expire December 31, 2015. 		
18. PVCC Annual report. <ul style="list-style-type: none"> • RECEIVED. 		Listen
19. Board-to-Board, March, 2014 <i>Monthly Communications Report from School Board.</i> <ul style="list-style-type: none"> • RECEIVED. 		Listen
20. Historic Preservation Committee's 2013 Annual Report. <ul style="list-style-type: none"> • RECEIVED. 		Listen
21. VDoT Quarterly report and Six Year Secondary Road Plan Process Overview. <ul style="list-style-type: none"> • RECEIVED. 		Listen
22. Albemarle County Broadband Task Force Update. <ul style="list-style-type: none"> • RECEIVED. 		Listen
23. Work Session: Comprehensive Plan Amendment - Cash Proffer Policy for Public Facilities. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution of Intent and DIRECTED staff to proceed following the process outlined at Option 2. 	Clerk: Forward copy of adopted resolution to Community Development and County Attorney's office. (Attachment 4)	Listen
24. Work Session: Phase 2 Wireless Amendments to include public comments. <ul style="list-style-type: none"> • HELD. 		Listen
24a. Resolution urging General Assembly to pass State budget. <ul style="list-style-type: none"> • By a vote of 5:1 (Boyd), ADOPTED resolution. 	Clerk: Forward resolution to representatives. (Attachment 5)	Listen
12. Continued discussion of agenda items #12, B.F. Yancey Elementary School Community Use. <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED, \$10,000 to keep Yancey School open for weekend programming for the Intergenerational Center, for FY14 and FY15 with one-time funds from Reserve for Contingencies. • By a vote of 6:0, AUTHORIZED Chair to sign letter of endorsement. 		Listen
25. From the Board: Committee Reports and Matters Not Listed on the Agenda. Liz Palmer: <ul style="list-style-type: none"> • Suggested that a Planning Commission liaison be added to the Natural Heritage Committee. • Asked Mark Graham if he could provide the Board with more information on the oversight of the approved intern for the Natural Heritage Committee. Brad Sheffield:		Listen

<ul style="list-style-type: none"> • In response to concerns that were made from members of the public, asked if the Board wanted to send a letter to the Route 29 Advisory Panel requesting that VDOT abandon properties it acquired for the bypass right-of-way. • Asked the County Executive to confirm the time and place of the May CTB meeting. 		
<p>26. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley:</u></p> <ul style="list-style-type: none"> • Highlighted and discussed the monthly County Executive's report. • Announced that the packet on the County's Community Engagement process was in Dropbox. 		
<p>27. Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:08 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 the performance standards and evaluation process for specific County employees appointed by the Board. 		Listen
<p>28. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 7:21 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>29. Adjourn to April 8, 2014, 6:00 p.m., Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:22 p.m. 		

ewj/tom

- Attachment 1 – Proclamation recognizing April 2014 Fair Housing Month
- Attachment 2 – Resolution - ZMA-2013-00014. North Pointe Neighborhood Investments
- Attachment 3 – Resolution - Amendment to Albemarle County Purchasing Manual
- Attachment 4 – Resolution of Intent – Cash Proffer Policy for Public Facilities
- Attachment 5 – Resolution urging General Assembly to pass State budget

FAIR HOUSING MONTH

WHEREAS, *April is Fair Housing Month, and marks the forty-sixth anniversary of the passage of the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and*

WHEREAS, *the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and*

WHEREAS, *the Fair Housing Act supports equal housing opportunity throughout the United States; and*

WHEREAS, *fair housing creates healthy communities, and housing discrimination harms us all; and*

WHEREAS, *Albemarle County supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year*

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, 2014
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 2nd day of April, 2014.

**RESOLUTION TO APPROVE ZMA 2013-00014
NORTH POINTE NEIGHBORHOOD INVESTMENTS - NP, LLC**

WHEREAS, the application of Neighborhood Investments - NP, LLC, to amend the zoning map for Tax Map and Parcel Number 03200-00-00-022K0 (the "Property") is identified as ZMA 2013-00014, North Pointe Neighborhood Investments (hereinafter, "ZMA 2013-00014"); and

WHEREAS, the Property is zoned Neighborhood Model District, subject to the "North Pointe Community" application plan, last revised June 13, 2006, and the proffers accepted in conjunction with ZMA 2000-00009; and

WHEREAS, ZMA 2013-00014 proposed to amend the proffers applicable to the Property to change the timing and the obligation of the Property to construct Northwest Passage as provided in Proffer 5.3.1(c) and to make other changes to the proffers previously accepted by the Board of Supervisors in conjunction with its approval of ZMA 2013-00007, which pertained to other parts of the lands subject to the North Pointe Community application plan; and

WHEREAS, the Board held a public hearing for ZMA 2013-00014 on March 12, 2014 after notice was provided as required by Virginia Code §§ 15.2-2204 and 15.2-2285, and Albemarle County Code § 18-33; and

WHEREAS, the Board deferred acting on ZMA 2013-00014 in order to allow an amended proffer statement to be submitted that made only changes in form to the statement; and

WHEREAS, an amended proffer statement has been submitted.

NOW, THEREFORE, BE IT RESOLVED that upon consideration of the material and relevant factors in Virginia Code § 15.2-2284 and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby amends the zoning map and approves ZMA 2013-00014 with proffers dated March 25, 2014 submitted by Neighborhood Investments - NP, LLC in conjunction therewith; and

BE IT FURTHER RESOLVED that the Property also shall continue to be subject to the North Pointe Community application plan.

**RESOLUTION TO AMEND AND RE-ADOPT
THE ALBEMARLE COUNTY PURCHASING MANUAL**

WHEREAS, the County of Albemarle Purchasing Manual (“Manual”) delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

WHEREAS, the Manual was last amended on September 4, 2013; and

WHEREAS, the Board finds it is in the best interests of the County to amend the County’s procedures for small purchases not expected to exceed \$50,000, and to adopt procedures in accordance with the Virginia Code for the participation of small businesses and minority-owned, women-owned, and service disabled veteran-owned businesses in County procurement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual by amending Chapter 22, Small Purchases, and by adding Chapter 29, Participation of Small Businesses and Minority-Owned, Women-Owned, and Service Disabled Veteran-Owned Businesses in County Procurement.

RESOLUTION OF INTENT

WHEREAS, the Cash Proffer Policy for Public Facilities was adopted as part of the County's Comprehensive Plan on October 10, 2007 so that all new rezoning that include residential development would pay for the equivalent of their full impact; and

WHEREAS, it is the consensus of the Board to review and update the Cash Proffer Policy for Public Facilities, including "credits" and other issues identified during a public study process.

NOW, THEREFORE BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good planning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending the Albemarle County Comprehensive Plan as deemed necessary in order to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Albemarle County Planning Commission shall expeditiously hold a public hearing on the Comprehensive Plan amendment proposed by this resolution of intent and forward its recommendation to the Board of Supervisors.

RESOLUTION

Whereas, the Virginia General Assembly did not agree on the approval of a budget by the adjournment date of March 8, 2014; and

Whereas, funds from the state received by Albemarle County comprise a large portion of revenues necessary for Albemarle County to deliver many of the public services mandated by the Commonwealth; and

Whereas, the delivery of mandated public services by Albemarle County depends upon a stable and healthy partnership between state and local governments; and

Whereas, Virginia's local governments are subject to strict, statutory deadlines for approving certain components of their respective budgets; and

Whereas, local governments under Sections 15.2-2500 and 15.2-2503 of the Code of Virginia are required to approve their respective budget and tax *rates* by July 1 of each year; and

Whereas, by May 1 of each year, or at least 30 days after receiving an estimate of state aid, whichever is later, local governments are required under Section 22.1-93 of the Code of Virginia to adopt an annual school budget; and

Whereas, not later than July 1 of each year, all school divisions under Section 22.1-304 of the Code of Virginia, must notify teachers of reductions in force due to decreased funding; and

Whereas, failure to approve a budget in a timely manner would disrupt the ability of Virginia's businesses and public agencies to operate effectively; and

Now, Therefore, Be It Resolved by the Albemarle Board of Supervisors that the Virginia General Assembly and the Governor of Virginia are urged to reconcile their differences and agree on a FY 2015-2016 budget; and

Be It Further Resolved that the Albemarle County Board of Supervisors shall transmit copies of this resolution to the Honorable Terry R. McAuliffe, Governor of Virginia, and to members of the Virginia General Assembly representing Albemarle County