

<b>ACTIONS</b>		
<b>Board of Supervisors Meeting of September 10, 2014</b>		
		September 11, 2014
<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>	<u><b>PODCAST</b></u>
1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 4:58 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.</li> </ul>		<a href="#">Listen</a>
2. Closed Meeting. <ul style="list-style-type: none"> <li>At 4:58 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 assignment and appointment of three specific County employees that are appointed by the Board; under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of easements on the County Office Building property; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding probable litigation concerning a violation of a subdivision agreement because a public discussion would adversely affect the litigating posture of the County.</li> </ul>		
<b>6:00 P.M. – Regular Night Meeting</b>		
3. Call to Order Night Meeting. <ul style="list-style-type: none"> <li>Meeting was called to order at 6:03 p.m., by the Chair, Ms. Dittmar.</li> </ul>		<a href="#">Listen</a>
4. Certify Closed Meeting. <ul style="list-style-type: none"> <li>At 6:03 p.m., the Board certified the closed meeting.</li> </ul>		
7. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>Mr. Boyd added appointments as Agenda Item No. 15a.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
8. Brief Announcements by Board Members. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Announced that she and Supervisor Mallek attended the celebration of the acknowledgment of the County receiving the land for the William S.D. Woods Natural Heritage area.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>Announced that she will be attending the Scottsville Community Service Day on September 13, 2014.</li> <li>Announced that the Board will have a work session on wireless on October 1<sup>st</sup> and Bill Fritz has offered to meet with any Supervisor who may need an understanding of the written material.</li> <li>Announced that she and Supervisor Mallek attended a meeting at the CACVB.</li> <li>Announced that she attended the opening of the Virginia Institute of Autism located on Greenbrier Drive.</li> </ul>		

	<p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Reported on the talk titled “Towards a More Walkable Charlottesville” sponsored by Charlottesville Tomorrow.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced that Heritage Harvest Festival will be held Friday and Saturday, September 12 and 13 at Monticello.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>Announced that he and Supervisor Sheffield will be hosting a Town Hall meeting on Monday, September 15 at Baker Butler Elementary School.</li> </ul>		
9.	<p>Recognitions:</p> <p>a. Proclamation recognizing <i>September 13, 2014, as Scottsville Founders Day and the 270<sup>th</sup> Anniversary of the Founding of Albemarle County in Scottsville.</i></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation.</li> <li>Chair presented proclamation.</li> </ul> <p>b. Proclamation recognizing <i>September 13, 2014, as Pride Festival Day.</i></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation.</li> <li>Supervisor Palmer presented proclamation.</li> </ul>	<p>(Attachment 1)</p> <p>(Attachment 2)</p>	<p><a href="#">Listen</a></p>
10.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li><u>John Martin</u>, a Free Union resident, spoke on the opening of the Ragged Mountain Dam and how it is proof positive that a regional approach to providing those types of community services works.</li> <li><u>Latha Masters</u> spoke on the lack of pedestrian crossings at Pantops and Route 250.</li> </ul>		<p><a href="#">Listen</a></p>
11.2	<p>ZMA-1976-00002. Ednam – Special Exception to Authorize a Variation from the Application Plan.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> the Special Exception to vary the setback requirement in the approved rezoning application plan by allowing a 40 foot rear setback for Lot 3, Section D of Ednam.</li> </ul>		<p><a href="#">Listen</a></p>
11.3	<p>Belvedere Resolution.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	<p>Clerk: Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 3)</p>	
12.	<p><b>Pb Hrg: PROJECT: SP-2014-00012. Westgate/Barclay Place (Signs #5&amp;12).</b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution approving SP-2014-00012 with attached conditions.</li> </ul>	<p>Clerk: Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 4)</p>	<p><a href="#">Listen</a></p>
13.	<p><b>Pb. Hrg: PROJECT: ZMA-2013-00004. Hollymead Town Center (Block VI).</b></p> <ul style="list-style-type: none"> <li>By a vote of 4:2 (Mallek/Boyd), <b>DEFERRED</b> ZMA-2013-00004 back to the Planning Commission to be brought back no later than October 8, 2014.</li> </ul>	<p><u>Wayne Cilimberg:</u> Set on Planning Commission agenda and notify Clerk when ready to proceed.</p>	<p><a href="#">Listen</a></p>
14.	<p><b>Pb. Hrg. to consider granting sewer line easements to the Rivanna Water and Sewer Authority (RWSA) and to the City of Charlottesville (City) and an electric line easement to Dominion Virginia Power (DVP) on</b></p>	<p>Clerk: Forward copy of signed resolution to General Services and County Attorney’s office.</p> <p><u>County Attorney:</u> Provide Clerk</p>	

<p><b>the County Office Building property located at 401 McIntire Road in the City of Charlottesville (City Parcel ID 350134000).</b></p> <ul style="list-style-type: none"> <li>• By a vote of 5:1 (Boyd), <b>ADOPTED</b> Resolution approving the granting of a sewer line easement to the RWSA and the City and a electric line easement to DVP and <b>AUTHORIZED</b> the County Executive to execute all documents necessary to complete these transactions subject to the recommended terms and conditions after such documents have been approved as to content and form by the County Attorney.</li> <li>• By a vote of 6:0, <b>EXPRESSED</b> support for the extension of the Schenk’s Branch Greenway Trail across County property.</li> </ul>	<p>with copy of executed documents.  (Attachment 5)</p>	<p><a href="#">Listen</a></p>
<p>15. Update on Regional Legislative Meeting. <u>David Blount:</u></p> <ul style="list-style-type: none"> <li>• Provided update and announced a Regional Legislative Luncheon will be held on October 29, 2014.</li> </ul>		<p><a href="#">Listen</a></p>
<p>15a. Appointments.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>APPOINTED</b> Mr. Bill Letteri and Mr. Doug Walker as Deputy County Executives and <b>APPOINTED</b> Ms. Lee Catlin as Assistant County Executive.</li> </ul>		<p><a href="#">Listen</a></p>
<p>16. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Announced that she would like to talk more about the proposed constitutional amendment on bi-partisan redistricting.</li> <li>• Asked if Board members have heard from any School Board members regarding the composite index.</li> <li>• Announced that the Chambers Jobs Summit held the previous day was really helpful.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>• Stated that she hoped someone from the County would attend the Virginia Resources Assembly Conference in Roanoke.</li> <li>• Stated that she would have the Clerk email Board members the “Rules of Procedure” for potential changes prior to the January organizational meeting.</li> <li>• Announced that the Clerk will be working on a spread sheet of all individuals/organizations that make Board presentations.</li> <li>• Announced that the work groups with the City are moving along and that staff has been identified for the Board of Supervisor/School Board work groups.</li> </ul>		<p><a href="#">Listen</a></p>
<p>17. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>		
<p>18. Adjourn.</p> <ul style="list-style-type: none"> <li>• At 8:47 p.m., the meeting was adjourned.</li> </ul>		

ewj/tom

- Attachment 1 – Proclamation recognizing September 13, 2014, as Scottsville Founders Day and the 270<sup>th</sup> Anniversary of the Founding of Albemarle County in Scottsville
- Attachment 2 – Proclamation recognizing September 13, 2014, as Pride Festival Day
- Attachment 3 – Resolution Authorizing the County Attorney to Pursue Recovering the County's Costs to Complete Construction of Belvedere Boulevard
- Attachment 4 – Resolution approving SP-2014-00012. Westgate/Barclay Place
- Attachment 5 – Resolution Approving the Granting of Utility Easements on the County Office Building Property Located on McIntire Road

**PROCLAMATION  
RECOGNIZING SCOTTSVILLE FOUNDERS DAY AND THE 270TH ANNIVERSARY  
OF THE FOUNDING OF ALBEMARLE COUNTY IN SCOTTSVILLE**

**WHEREAS,** in 1744 the House of Burgesses acted to create Albemarle County with Scott's Landing as its county seat in recognition of the site's value as a river crossing and logistical hub in the growing Virginia Piedmont; and

**WHEREAS,** from 1744 to 1762 Scott's Landing served as the centrally located county seat and civic center of a larger Albemarle County which included all or part of today's counties of Amherst, Appomattox, Buckingham, Campbell, Fluvanna, and Nelson; and

**WHEREAS,** through much of the 18<sup>th</sup> and 19<sup>th</sup> centuries, Scottsville served as the principal river port above Richmond on the James River, through which passed busy land and river traffic in commodities and manufactured goods, travelers, immigrants, and enslaved persons, all important aspects of Albemarle County's diverse history; and

**WHEREAS,** Scottsville and its residents have weathered destruction through natural disaster and war, rebuilding the town and providing vital commercial and civic services for southern Albemarle County; and

**WHEREAS,** the town's present charm and economic development is a significant part of Albemarle County's strong future;

**NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, do hereby honor and congratulate the Town of Scottsville on the occasion of the 270th Anniversary of Albemarle County's founding with Scottsville as its seat, and urge all citizens of the Town of Scottsville and the County of Albemarle to join in Scottsville's celebration of Founders Day on September 13<sup>th</sup>, 2014.

**Pride Festival Day**

**WHEREAS,** the County of Albemarle is a community that values human rights, and respects the dignity of each person; and

**WHEREAS,** the Board of Supervisors of the County of Albemarle is committed to equal rights for all Americans, and opposes discrimination in all forms; and

**WHEREAS,** the cultural diversity and heritage of the County of Albemarle has been enriched by the contributions of its lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) community; and

**WHEREAS,** the County's LGBTQ community members are integrally and actively involved with the County's health and safety, learning and innovation, economic energy, and quality of life; and

**WHEREAS,** the Pride Festival celebrates the lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) community and its proud presence in the County of Albemarle; and

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors recognizes with pride the lesbian, gay, bisexual, transgender, queer and questioning community in Albemarle, and

**FURTHER RESOLVED** that the Board of Supervisors proclaims

**Saturday, September 13, 2014**

**as**

**Pride Festival Day in the County of Albemarle.**

**RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO PURSUE  
RECOVERING THE COUNTY'S COSTS TO COMPLETE  
CONSTRUCTION OF BELVEDERE BOULEVARD**

**WHEREAS**, the State Subdivision Law and the Albemarle County Subdivision Ordinance require that all improvements in a subdivision be completed by the subdivider; and

**WHEREAS**, by agreement with the County as a condition of its approval of a final subdivision plat, the subdivider agrees that it will properly complete construction of required improvements subject to the agreement, including streets; and

**WHEREAS**, the final subdivision plat of the first phase of the Belvedere Subdivision therefore required the subdividers of the Belvedere Subdivision – Belvedere Station Land Trust and Dunlora, LLC (hereinafter, the “Subdividers”) – to construct the streets shown on the plat, including the segment of Belvedere Boulevard from Rio Road East to Free State Road (hereinafter, “Belvedere Boulevard”), a street depicted on the final subdivision plat to be a public street, designed and constructed to Virginia Department of Transportation (hereinafter, “VDOT”) standards, and accepted into the secondary system of State highways; and

**WHEREAS**, VDOT has informed the County that the extent of Belvedere Boulevard constructed to this date by the Subdividers or their contractors was not constructed according to VDOT standards and, therefore, the street is not eligible to be accepted into the secondary system of State highways until repairs are made and construction is thereafter completed to VDOT standards; and

**WHEREAS**, the Subdividers have neither performed the necessary repairs nor completed the construction of Belvedere Boulevard despite demand by the County to do so; and

**WHEREAS**, because the incomplete condition of Belvedere Boulevard has caused the street to deteriorate, thereby posing a safety risk to the traveling public and increasing the eventual cost to repair and complete the street before it may be accepted into the secondary system of State highways, the Board of Supervisors on September 3, 2014 appropriated funds to allow the County and its contractors to perform repairs and complete construction of Belvedere Boulevard, and this work is now proceeding.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the County Attorney to pursue any appropriate remedies against the Belvedere Station Land Trust and its trustees and beneficiaries, Dunlora, LLC, and any other necessary parties, to recover the County's costs to repair and complete construction of Belvedere Boulevard and to enforce the requirements of the Albemarle County Subdivision Ordinance.

**RESOLUTION**

**WHEREAS**, Westgate/Barclay Place LLC (“Westgate”) is the owner of Tax Map and Parcel Number 06100-00-00-042D0 (the “Property”); and

**WHEREAS**, Westgate filed an application to amend Special Use Permit 1994-18 to allow the relocation of office space within the Westgate Apartment complex on the Property, and the application is identified as Special Use Permit 2014-00012 (“SP 2014-12”); and

**WHEREAS**, on July 15, 2014, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-12 with the conditions recommended by County staff; and

**WHEREAS**, on September 10, 2014, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-12.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2014-12 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2014-12, subject to the conditions attached hereto.



**SP-2014-00012 Westgate/Barclay Special Use Permit Conditions**

1. Development of the use shall be in general accord with the conceptual plan received by staff on April 7, 2014, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the application plan, development and use shall reflect the following major elements within the development essential to the use, as shown on the plan:
  - a. Office building mass and location;
  - b. Office parking.

Minor modifications to the plan may be made to ensure compliance with the Zoning Ordinance.

2. New construction shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
3. The use shall be limited to property management services.

**RESOLUTION APPROVING THE GRANTING OF  
UTILITY EASEMENTS ON  
THE COUNTY OFFICE BUILDING PROPERTY  
LOCATED ON MCINTIRE ROAD**

**WHEREAS**, the County of Albemarle owns certain property located at 401 McIntire Road, Charlottesville, VA (Charlottesville City Tax Map Parcel 350134000); and

**WHEREAS**, sewer line easements across this County-owned property are necessary for the Rivanna Water and Sewer Authority (RWSA) and the City of Charlottesville to complete the Upper Schenks Branch sewer line project; and

**WHEREAS**, electric line easements across this property are necessary for Dominion Virginia Power (DVP) to enhance electric service to the City and the University of Virginia; and

**WHEREAS**, on September 10, 2014, the Board held a duly advertised public hearing to receive public comments on the easement requests; and

**WHEREAS**, the Board finds that granting the easements is in the public interest subject to the terms and conditions set forth in the executive summary dated September 10, 2014, documented as to content and form in such manner as approved by the County Attorney.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of these certain easements to the RWSA, the City, and DVP, and authorizes the County Executive to sign all documents, approved as to content and form by the County Attorney, necessary to convey these easements across Charlottesville City Tax Map Parcel 350134000 and to implement the terms and conditions thereof.