

ACTIONS
Board of Supervisors Meeting of March 8, 2017

March 9, 2017

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:00 p.m., by the Chair, Ms. McKeel. All BOS members were present. Also present were Doug Walker, Greg Kamptner and Claudette Borgersen. 		Link to video
2. Economic Development Site Readiness Report. <ul style="list-style-type: none"> HELD. 		
3. Community Development Priorities and Process Discussion. <ul style="list-style-type: none"> HELD. 		
4. Closed Meeting. <ul style="list-style-type: none"> At 5:17 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; and Under Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to probable litigation arising from three related claims where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The claims allege damages resulting from a death caused by a vehicle versus pedestrian collision on August 21, 2016 at the intersection of Bond Street and District Avenue. 		
5. Certified Closed Meeting. <ul style="list-style-type: none"> At 6:04 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
Appointment. <ul style="list-style-type: none"> APPOINTED Brad Sheffield to the Hydraulic Area Project Advisory Panel as an alternate. 		
Non-Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED three resolutions to disallow claims arising from the death of Bonnie Baha. 	Clerk: Forward copy of signed resolutions to County Attorney's office. (Attachment 1)	
6. Call Back to Order. <ul style="list-style-type: none"> At 6:05 p.m., the Chair called the regular night meeting to order. 		
9. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
10. Brief Announcements by Board Members. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Invited community members to the Field School for a budget town hall on Thursday, March 9 at 7:30 p.m., hosted by the Crozet Community Association. Reminded everyone that the deadline to file an assessment appeal to the Equalization Board is March 15. 		

	<ul style="list-style-type: none"> Announced two additional town hall meetings in Earlysville, Monday March 13 and in White Hall on Saturday, March 18. 	
11.	<p>Proclamations and Recognitions:</p> <p>a. Greater Virginia Muscular Dystrophy Association Fill the Boot Campaign.</p> <ul style="list-style-type: none"> RECEIVED. <p>b. Proclamation proclaiming April 1-7 as Local Government Education Week.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Kristy Shifflett. 	(Attachment 2)
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>The following individuals addressed the Board regarding their support of Region Ten and a potential Women's Treatment Center:</u> <ul style="list-style-type: none"> Kim Crater Sheila Herlihy <u>Jay James</u>, addressed the Board in support of a men's addiction treatment center. 	
13.2	<p>Resolution to accept road(s) in the Foxchase Landing Section One Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 3)
13.3	<p>Resolution to accept road(s) in the Handley Farm Estates Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 4)
13.4	<p>Club Yancey Grant Renewal Letter.</p> <ul style="list-style-type: none"> AUTHORIZED Chair to sign letter of endorsement. 	
14.	<p>Ivy Creek Natural Area Foundation Landscape Improvement Proposal.</p> <ul style="list-style-type: none"> RECEIVED. 	
15.	<p>Pb. Hrg.: <u>SP-2015-00024. The Field School of Charlottesville.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP-2015-00024 with conditions. By a vote of 6:0, ADOPTED resolution to approve Special Exception for SP-2015-00024 with conditions. By a vote of 6:0, SET public hearing for Central Sewage System on April 12. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 5)</p> <p><u>Clerk:</u> Schedule on April 12 agenda and advertise in Daily Progress.</p>
16.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
17.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Announced that staff will be prepared to have a discussion regarding the Hedgerow Park project on April 12. Briefed the Board on a discussion scheduled on the April 12 agenda regarding permissible activities and consistency of regulations at Chris Greene Lake. Mentioned that staff has prepared a brochure entitled "Factual Information Related to 	

<p>Immigration Status Service and Enforcement in Albemarle County”, which will be distributed to the community.</p> <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> • Mentioned that he attended Liberation Day ceremony and asked Supervisors to consider in future years a plaque commemorating 240 escaped slaves from Albemarle County who fought in the Union. 		
<p>19. Adjourn to March 14, 2017, 4:30 p.m., Piedmont Virginia Community College, North Mall Meeting Room.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:22 p.m. 		

ckb/tom

Attachment 1 – Resolutions to Disallow Claim for Damages

Attachment 2 – Proclamation proclaiming April 1-7 as Local Government Education Week

Attachment 3 – Resolution – Foxchase Landing

Attachment 4 – Resolution – Handley Farm Estates

Attachment 5 – Resolution to Approve SP201500024 and Resolution to Approve Special Exception for SP 201500024

RESOLUTION TO DISALLOW CLAIM FOR DAMAGES

WHEREAS, The Personal Representative of the Estate of Bonnie Baha, has asserted a claim against Albemarle County as set forth in the letter dated February 21, 2017, for alleged damages arising from a vehicle-versus-pedestrian collision which occurred on August 21, 2016; and

WHEREAS, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim against Albemarle County as required under Virginia Code § 15.2-209; and

WHEREAS, the Board of Supervisors finds that the claim against Albemarle County is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia disallows the claim of The Personal Representative of the Estate of Bonnie Baha for alleged damages incurred on August 21, 2016.

RESOLUTION TO DISALLOW CLAIM FOR DAMAGES

WHEREAS, Miriam Baha, has asserted a claim against Albemarle County as set forth in the letter dated February 21, 2017, for alleged damages arising from a vehicle-versus-pedestrian collision which occurred on August 21, 2016; and

WHEREAS, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim against Albemarle County as required under Virginia Code § 15.2-209; and

WHEREAS, the Board of Supervisors finds that the claim against Albemarle County is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia disallows the claim of Miriam Baha for alleged damages incurred on August 21, 2016.

RESOLUTION TO DISALLOW CLAIM FOR DAMAGES

WHEREAS, Mustapha Baha, has asserted a claim against Albemarle County as set forth in the letter dated February 21, 2017, for alleged damages arising from a vehicle-versus-pedestrian collision which occurred on August 21, 2016; and

WHEREAS, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim against Albemarle County as required under Virginia Code § 15.2-209; and

WHEREAS, the Board of Supervisors finds that the claim against Albemarle County is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia disallows the claim of Mustapha Baha for alleged damages incurred on August 21, 2016.

Proclamation

April 1-7, 2017

Local Government Education Week

WHEREAS, the nation's 3,069 counties serving more than 300 million Americans provide essential services such as law enforcement, public health and safety, recreational opportunities, and the education of local children to create healthy, safe, economically-resilient, and engaged communities; and

WHEREAS, in celebration and appreciation of the valuable services local governments throughout the Commonwealth provide to the citizens of the communities they serve, the Virginia General Assembly designated the first week in April as Local Government Education Week; and

WHEREAS, Albemarle County takes great pride in our responsibility to protect and enhance the health, well-being and safety of our residents in efficient and cost-effective ways; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, Albemarle County provides public health, justice, emergency management and economic services that play a key role in everything from resident's daily health to disaster response; and

WHEREAS, Albemarle County encourages active and meaningful community engagement in local government activities through partnerships like the Community Advisory Committees and community policy groups.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors proclaims that April 1-7, 2017 is hereby designated as Local Government Education Week; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors and the Albemarle County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

Signed this 8th day of March, 2017.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 8th day of March, 2017, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Foxchase Landing Section One Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 8, 2017**, 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 **Foxchase Landing Section One Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 8, 2017**, to the secondary system of state highways, pursuant to §33.2-705, 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.

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Report of Changes in the Secondary System of State Highways

Project/Subdivision Foxchase Landing Section One

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street
Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

- **Carlyle Place - Extension, State Route Number 1854**

Old Route Number: 0

-
- From: Existing ESM

To: .05 miles East to Route 1855 Riley Way, a distance of: 0.05 miles.

Recordation Reference: DB 3988, PG 598-602

Right of Way width (feet) = 0

Street Name and/or Route Number

- **Riley Way, State Route Number 1855**

Old Route Number: 0

- From: Route 1854, Carlyle Place

To: .104 miles South To ESM/CDS, a distance of: 0.10 miles.

Recordation Reference: DB 3988, PG 598-602

Right of Way width (feet) = 0

Street Name and/or Route Number

- **Carlyle Place - Extension, State Route Number 1854**

Old Route Number: 0

- From: Route 1855, Riley Way

To: .13 Miles East To ESM/CDS, a distance of: 0.13 miles.

Recordation Reference: DB 3988, PG 598-602

Right of Way width (feet) = 0

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 8th day of March, 2017, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Handley Farm Estates Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 8, 2017**, 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 **Handley Farm Estates Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 8, 2017**, to the secondary system of state highways, pursuant to §33.2-705, 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.

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Report of Changes in the Secondary System of State Highways

Project/Subdivision Handley Farm Estates

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street
Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

- **Handley Way. State Route Number 849**

Old Route Number: 0

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- From: Route 692, Plank Road

To: 1.0 miles South to ESM, a distance of: 1.00 miles.

Recordation Reference: DB 4299, PG 551-556

Right of Way width (feet) = 0

**RESOLUTION TO APPROVE
SP 2017-24 THE FIELD SCHOOL OF CHARLOTTESVILLE**

WHEREAS, The Field School of Charlottesville submitted an application for a special use permit to construct a new private school on Tax Map Parcel Numbers 06000-00-00-06800 and 06000-00-00-068E0, and the application is identified as SP201500024 The Field School of Charlottesville ("SP 2015-24"); and

WHEREAS, on December 13, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-24 with conditions; and

WHEREAS, on March 8, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-24.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-24 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 2015-24, subject to the conditions attached hereto.

* * * * *

**SP-2015-24 The Field School of Charlottesville
Special Use Permit Conditions**

1. Development of the use shall be in general accord with sheet four (4) of the concept plan entitled "Special Use Concept Plan and Exhibits for Field School of Charlottesville" prepared by Shimp Engineering, P.C., revision #5, dated October 27, 2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the concept plan, the development and use shall reflect the following major elements as shown on the concept plan:
 - a. Locations of buildings and sports fields within the indicated envelopes
 - b. Maximum total building footprint of thirty thousand (30,000) square feet
 - c. Maximum footprint of twelve thousand (12,000) square feet for any single building
 - d. Preservation and installation of tree buffers as indicated
 - e. Preservation of wooded areas and slopes outside of building and sports field envelopes as indicatedMinor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases.
2. The maximum enrollment shall be one hundred fifty (150) students.
3. Classroom instruction shall not begin before eight o'clock a.m. (8:00 a.m.) and shall not continue later than five o'clock p.m. (5:00 p.m.). These hours shall not apply to sports events. Classes shall not be held on Saturday or Sunday.
4. Occasional non-sporting school-related events may occur on and after five o'clock p.m. (5:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday. Occasional community events may occur on and after six o'clock p.m. (6:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday.
5. No construction for the use shall begin without written approval of the proposed septic facilities from the Virginia Department of Health
6. No outdoor lighting of sports fields shall be installed for this use.
7. There shall be no outdoor amplified sound associated with this use.
8. Any new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at the property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or her designee for approval.
9. If the construction of the private school for which this Special Use Permit is issued is not commenced by February 28, 2022, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SP 2015-24 THE FIELD SCHOOL OF CHARLOTTESVILLE**

WHEREAS, The Field School of Charlottesville submitted an application for a special use permit to construct a new private school on Tax Map Parcel Numbers 06000-00-00-06800 and 06000-00-00-068E0 (collectively, the "Property") ("SP 2015-24); and

WHEREAS, The Field School of Charlottesville filed a request for a special exception in conjunction with SP 2015-24 to allow the disturbance of .85 acres of existing critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis, the plans entitled "Special Use Permit Concept Plan and Exhibits for the Field School of Charlottesville" prepared by Shimp Engineering, P.C., and last revised on October 27, 2016, and all of the factors relevant to the special exception in Albemarle County Code § 18-4.2.5, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for the Field School of Charlottesville's construction of a new private school on the Property, subject to the conditions attached hereto.

* * * * *

SP 2015-24, The Field School of Charlottesville Special Exception Conditions

1. The area of land disturbance on critical slopes shall not exceed .85 acres as shown on pages 3 and 4 of the plan entitled "Special Use Permit Concept Plan and Exhibits for the Field School of Charlottesville" prepared by Shimp Engineering, L.C. and last revised on October 27, 2016.
2. Any land disturbing activity located within the critical slopes shall comply with the design standards in County Code § 18-30.7.5.