

ACTIONS
Board of Supervisors Meeting of March 7, 2018

March 9, 2018

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:03 p.m., by the Chair, Ms. Mallek. All BOS members present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced changes to recycling capabilities at Ivy MUC including e-waste days and the ability to accept composting. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reported on the town hall meeting that she held with Supervisor Ned Gallaway on March 6, 2018, at Jack Jouett Middle School. Announced that she and Supervisor Ned Gallaway will hold a joint town hall meeting on March 13, 2018 at 6:00 p.m., at the Charlottesville-Albemarle Technical Education Center. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Requested staff provide information to citizens regarding brush deposits and suggested that Mint Springs be used as a depot location for brush from the recent windstorm. Announced that she will be holding a town hall meeting will be on March 8, 2018 at the Crozet Field School following the Crozet Community Advisory Meeting. Announced that she will hold a town hall meeting on March 15, 2018 at Broadus Wood Elementary at 7:00 p.m. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned he has received the preliminary list of criteria for the operation of ABBA and the prioritization of projects. 		
<p>6. Proclamations and Recognitions:</p> <p>a. Proclamation proclaiming March 21 through March 25, 2018 as the 24th Annual Festival of the Book.</p> <ul style="list-style-type: none"> ADOPTED and presented to Jane Kulow. <p>b. Proclamation recognizing SAME PAGE 2018: "What We Talk About When We Talk About Anne Frank" by Nathan Englander.</p> <ul style="list-style-type: none"> ADOPTED and presented to Abby Harris. <p>c. Proclamation proclaiming March, 2018, as the 16th Annual March for Meals Month.</p> <ul style="list-style-type: none"> ADOPTED and presented to John Cleveland. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p> <p>(Attachment 3)</p>	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p>		

	<ul style="list-style-type: none"> • <u>Neil Williamson</u>, Free Enterprise Forum, spoke towards agenda item # 10. • <u>Matt Lawless</u>, Town Administrator for the Town of Scottsville, introduced himself and expressed him eagerness in partnering with the County. 	
8.2	<p>Albemarle Broadband Authority Fiscal Services Memorandum of Agreement.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk</u>: Forward copy of signed resolution to Michael Culp and County Attorney's office. (Attachment 4)</p> <p><u>County Attorney</u>: Provide clerk with fully executed copy of agreement.</p>
8.3	<p>Virginia Department of Agriculture and Consumer Services Grant for Easement Acquisition.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p> <p><u>County Attorney</u>: Provide clerk with fully executed copy of agreement.</p>
8.4	<p>Ivy Road Sidewalk.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk</u>: Forward copy of signed resolution to PMD and County Attorney's office. (Attachment 6)</p>
8.5	<p>Rio Road, Avon Extended and Rockfish Gap Turnpike Sidewalks.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk</u>: Forward copy of signed resolution to PMD and County Attorney's office. (Attachment 7)</p>
8.6	<p>ZMA201300016 Avinity Estates - Special Exception Request to Vary Application Plan.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve the two special exceptions. 	<p><u>Clerk</u>: Forward copy of signed resolution Community Development and County Attorney's office. (Attachment 8)</p>
9.	<p>Sheriff's Office Additional Personnel.</p> <ul style="list-style-type: none"> • DEFERRED further discussion to March 27. 	
	<p>Recess.</p> <ul style="list-style-type: none"> • At 2:29 p.m., the Board recessed and reconvened at 2:36 p.m. 	
10.	<p>Work Session: Residential Development Impact Work Group.</p> <ul style="list-style-type: none"> • HELD. 	
11.	<p>Board-to-Board, March 2017, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>FY 17-19 Strategic Plan Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
13.	<p>Innovation Fund Update.</p> <ul style="list-style-type: none"> • RECEIVED. 	
14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:21 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: <ol style="list-style-type: none"> 1. Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments. 	

<p>2. Appointing a Director of Economic Development.</p> <ul style="list-style-type: none"> • Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ol style="list-style-type: none"> 1. Negotiating an agreement for, and the possible relocation of, court facilities. 2. The authority of certain charter cities to establish historic districts. 3. The uses and activities on a preservation parcel in a Rural Preservation Development. 		
<p>15. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:02 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>16. Boards and Commissions:</p> <ul style="list-style-type: none"> • APPOINTED, Mr. Brian Day, Ms. Kelly Templeman-Gobble, Mr. Joe Fore, Ms. Valerie Long, and Mr. David Mitchell to the Crozet Community Advisory Committee with said terms to expire March 31, 2020. • REAPPOINTED, Mr. Kostas Alibertis to the Crozet Community Advisory Committee with said term to expire March 31, 2020. • APPOINTED, Mr. Robert Holewinski to the Places 29 North Community Advisory Committee with said term to expire August 5, 2019. • REAPPOINTED, Mr. William Walsh and Mr. Xavier Jackson to the Police Department Citizens Advisory Community with said terms to expire March 5, 2020. • APPOINTED, Mr. Lehman Bates, Mr. John Springett and Ms. Olga Boucher to the Police Department Citizens Advisory Committee with said terms to expire March 5, 2020. • APPOINTED, Ms. Jennie More to the Public Recreational Facilities Authority with said term to expire December 13, 2020. • APPOINTED, Ms. Mary McIntyre as the Rio Magisterial District Representative and Ms. Katherine Burton as the Samuel Miller Magisterial District Representative to the Social Service Advisory Board with said terms to expire December 31, 2021. • APPOINTED, Ms. Ginna Kelly and Ms. Ann Harrod to the Village of Rivanna Community Advisory Committee with said terms to expire March 31, 2019. • APPOINTED, Mr. Tim Novak to the Village of 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	

	Rivanna Community Advisory Committee with said term to expire March 31, 2020.	
	Appointment of Economic Development Director. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution appointing Roger Johnson as Economic Development Director. 	Clerk: Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 9)
17.	From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> There were none. 	
17a.	Update on Emergency Response to Recent Wind Storm. <ul style="list-style-type: none"> RECEIVED. 	
18.	Pb. Hrg: FY 2018 Appropriations. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to approve #2018069, #2018070, #2018071, #2018072, and #2018074 appropriations for local government and school division projects. 	Clerk: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 10)
19.	Work Session: BF Yancey Use Framework. <ul style="list-style-type: none"> By a vote of 6:0, ENDORSED the use framework including the differentiation of user group types, space types and the associated fee structure as proposed. 	(Attachment 11)
20.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> Announced that Doug Granger was appointed as the new principal of Agnor-Hurt Elementary School. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Announced that the McIntire Recycling Center will be closed from March 19-23, 2018, and requested that staff post an announcement to the county website. Announced Black Bear is open for composting, with pick up at Ivy. Mentioned that the Albemarle County Service Authority has written letter to the Rivanna Water and Sewer Authority in of support of starting the building of the water line from South Fork to Ragged Mountain Reservoir. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Mentioned an e-mail regarding recognition for the National Defense and Intelligence conferences and requested a Board discussion on March 14. 	
21.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Reported on Board Retreat efforts as it relates to scheduling. 	
23.	Adjourn. <ul style="list-style-type: none"> The meeting was adjourned at 7:55 p.m. 	

ckb/tom

Attachment 1 – Proclamation proclaiming March 21 through March 25, 2018 as the 24th Annual Festival of the Book

- Attachment 2 – Proclamation recognizing SAME PAGE 2018: “What We Talk About When We Talk About Anne Frank” by Nathan Englander
- Attachment 3 – Proclamation proclaiming March, 2018, as the 16th Annual March for Meals Month
- Attachment 4 – Resolution to Approve the Albemarle Broadband Authority Fiscal Services Memorandum of Agreement
- Attachment 5 – Resolution to Approve the Virginia Department of Agriculture and Consumer Services Grant for Easement Acquisition
- Attachment 6 – Resolution to Authorize Acquisition of Rights-of-Way and/or Easements on Approximately Ten Parcels Located on Ivy Road
- Attachment 7 – Resolution Authorizing the Acquisition of Rights-Of-Way and/or Easements on Approximately Thirty-Seven Parcels Located on Rio Road, Avon Street Extended, and Rt. 250W/Rockfish Gap Turnpike
- Attachment 8 – Resolution to Approve Special Exceptions to Vary the Application Plan for ZMA 2013-16 Avinity Estates
- Attachment 9 – Resolution Appointing Roger Johnson as Economic Development Director
- Attachment 10 – Resolution to Approve Additional FY 18 Appropriations
- Attachment 11 – B. F. Yancey Use Framework

VIRGINIA FESTIVAL OF THE BOOK

WHEREAS, Albemarle County believes that literacy is critical to active and engaged citizenship, and is committed to promoting reading, writing, and storytelling within and outside its borders; and

WHEREAS, reading stimulates the creative and intellectual growth of individuals, while also building community through shared experiences and understanding; and

WHEREAS, the **VIRGINIA FESTIVAL OF THE BOOK** draws attendees and authors from the region, the Commonwealth, other states, and indeed the world, serving as an economically significant event for this area, while providing the majority of programs free of charge; and

WHEREAS, Virginia Humanities, the Virginia Center for the Book, the University of Virginia, local businesses and schools, as well as cultural and civic organizations collaborate with the **VIRGINIA FESTIVAL OF THE BOOK** to explore the world through reading, foster empathy for the stories of others, and promote literacy for all.

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors, do hereby proclaim

**Wednesday, March 21 through Sunday, March 25, 2018
as the Twenty-fourth annual
VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available programs and activities.

**SAME PAGE 2018:
“What We Talk About When We Talk About Anne Frank”
by Nathan Englander**

WHEREAS, Same Page provides citizens with the opportunity to read and discuss a single book within their community by an author appearing at the Virginia Festival of the Book; and

WHEREAS, the Jefferson-Madison Regional Library invites all book lovers to participate in Same Page, which will be held throughout March 2018; and

WHEREAS, the library's goal is to encourage all residents of Central Virginia to read and discuss “What We Talk About When We Talk About Anne Frank” by Nathan Englander; and

WHEREAS, the book is a collection of eight stories that explore themes such as trust, neighborliness and the Jewish identity; and

WHEREAS, Same Page is generously funded by the Friends of JMRL, and supported by the Art and Jane Hess Fund of the Library Endowment and the Virginia Festival of the Book.

NOW, THEREFORE, BE IT RESOLVED be it resolved that we, the Board of Supervisors of Albemarle County, do hereby proclaim Same Page during March 2018 and encourage all residents to read “What We Talk About” during this time.

**PROCLAIMING MARCH 2018 AS THE
16th ANNUAL MARCH FOR MEALS MONTH**

- WHEREAS,** on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and
- WHEREAS,** Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, and raise awareness about the escalating problem of senior hunger in America; and
- WHEREAS,** the 2018 observance of March for Meals celebrates 16 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation.
- WHEREAS,** the Meals on Wheels program in Albemarle County has served our community admirably for more 40 years and volunteers for the Meals on Wheels program in Albemarle County have provided nutritious meals to seniors, individuals with disabilities, and others throughout Albemarle County that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and
- WHEREAS,** the Meals on Wheels program in Albemarle County provides a powerful socialization opportunity for millions of seniors and other homebound citizens to help combat loneliness and isolation and deserves recognition for the contributions it has made, and will continue to make, to the local community, our State and our Nation.
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, do hereby proclaim March 2018 as the 16th Annual March for Meals Month and urge every citizen to take this month to honor the Meals on Wheels program, the seniors and other disable citizens they serve and the volunteers who care for them.

**RESOLUTION TO APPROVE
A MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE
AND THE ALBEMARLE BROADBAND AUTHORITY**

WHEREAS, the Board finds it is in the best interest of the County to enter into a Memorandum of Agreement with the Albemarle Broadband Authority ("ABBA") for the County to provide fiscal services to the ABBA.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Memorandum of Agreement between the County of Albemarle and the Albemarle Broadband Authority once the Memorandum of Agreement has been approved as to substance and form by the County Attorney.

**RESOLUTION TO APPROVE THE FY 18 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Agriculture and Consumer Services as a condition of receiving a FY 18 grant award for the preservation of working farms and forest lands through the ACE Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 18 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Agriculture and Consumer Services, and authorizes the County Executive to execute the FY 18 Agreement on behalf of the County, after approval as to form and content by the County Attorney.

**RESOLUTION TO AUTHORIZE
ACQUISITION OF RIGHTS-OF-WAY AND/OR EASEMENTS
ON APPROXIMATELY TEN PARCELS LOCATED ON IVY ROAD**

WHEREAS, the Project Management Division of the County's Department of Facilities and Environmental Services is completing the right-of-way and easement acquisition phase for the Ivy Road Sidewalk Project; and

WHEREAS, rights-of-way and/or easements on approximately ten parcels are necessary to construct the Project.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the acquisition of rights-of-way and/or easements on approximately ten parcels, including, but not limited to, those listed below, that are necessary for the Ivy Road Sidewalk Project for an amount not to exceed just compensation as confirmed by the County Attorney or his designee, and in amounts not to exceed the current project budget, and further authorizes the County Executive to execute all documents in a form approved by the County Attorney that are necessary to complete the acquisitions.

06000-00-00-03100
06000-00-00-03700
06000-00-00-03800
06000-00-00-03900
06000-00-00-040B1
06000-00-00-040B2
06000-00-00-040C1
06000-00-00-040D0
070001101
0700019A0

RESOLUTION TO AUTHORIZE ACQUISITION OF RIGHTS-OF-WAY AND/OR EASEMENTS ON APPROXIMATELY THIRTY-SEVEN PARCELS LOCATED ON RIO ROAD, AVON STREET EXTENDED AND RT. 250 W/ROCKFISH GAP TURNPIKE

WHEREAS, the Project Management Division of the County’s Department of Facilities and Environmental Services is completing the right-of-way and easement acquisition phase for the Rio Road, Avon Street Extended, and Rt. 250 W/Rockfish Gap Turnpike Sidewalks Project; and

WHEREAS, rights-of-way and/or easements on approximately thirty-seven parcels are necessary to construct the Project.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the acquisition of rights-of-way and/or easements on approximately thirty-seven parcels, including, but not limited to, those listed below, that are necessary for the Rio Road, Avon Street Extended, and Rt. 250W/Rockfish Gap Turnpike Sidewalks Project for an amount not to exceed just compensation as confirmed by the County Attorney or his designee, and in amounts not to exceed the current project budget, and further authorizes the County Executive to execute all documents in a form approved by the County Attorney that are necessary to complete the acquisitions.

<u>Rio Road</u>	<u>Avon Street Extended</u>	<u>Rt250W/Rockfish Gap</u>
06100-00-00-16500	07700-00-00-04300	090F0-00-00-000A1
06100-00-00-165A0	07700-00-00-04400	09100-00-00-00100
06100-00-00-165B0	07700-00-00-04500	09100-00-00-001A0
06100-00-00-165C0	07700-00-00-04600	09100-00-00-001B0
06100-00-00-17000	07700-00-00-04700	09100-00-00-001D0
06100-00-00-173A0	09000-00-00-03300	09100-00-00-001E0
06100-00-00-17400	09000-00-00-033A0	09100-00-00-001F0
06100-00-00-17900	09000-00-00-033B0	09100-00-00-002D1
06100-00-00-180A0	09000-00-00-033C	09100-00-00-01300
06100-00-00-18200	09000-00-00-03400	
061A0-03-00-000A0		
061A0-03-00-00100		
062F0-01-00-000C0		

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
TO VARY THE APPLICATION PLAN
FOR ZMA 2013-16 AVINITY ESTATES**

WHEREAS, the Owner of Tax Map Parcels Number 09100-00-00-01400 (portion), 09100-00-00-016A0, 09100-00-00-016C0, and 09100-00-00-016E0 (the "Property") filed requests for special exceptions to vary the Application Plan approved in conjunction with ZMA2013-16 Avinity Estates to reduce the width of the landscaping maintenance and access easement from ten (10) feet to six (6) feet and to reduce the depth of the front yard setback between the sidewalks and dwelling units from eighteen (18) feet to six (6) feet.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception requests and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Application Plan approved in conjunction with ZMA2013-16 Avinity Estates as described above, subject to the condition(s) attached hereto.

* * *

ZMA 2013-16 Avinity Estates – Special Exception Conditions

1. A modified front yard setback of six (6) feet may be applied to portions of dwelling units that are not garages; but shall not be applied in any way which results in any garage being set back less than eighteen (18) feet from the sidewalk in order to ensure that vehicles parked in the driveway and in front of the garage do not obstruct the sidewalk.
2. A modified front yard setback of six (6) feet shall not include any encroachment, other than a one (1) foot maximum encroachment for roof overhangs, in order to maintain sufficient space for the required landscaping materials to be located within the six (6) foot landscaping easement. The existing four (4) foot encroachment of all rear setbacks and one (1) foot encroachment of side yard setbacks specified on the approved ZMA-2013-00016 application plan shall remain in effect.
3. The width of the landscaping maintenance and access easement shall be no less than six (6) feet.

**RESOLUTION
APPOINTING THE DIRECTOR OF ECONOMIC DEVELOPMENT**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Roger Johnson ("Johnson") is hereby appointed the Director of Economic Development for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512, and this appointment shall be effective on and after April 2, 2018; and

BE IT FURTHER RESOLVED that Johnson shall serve as Director of Economic Development at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that Johnson shall act under the supervision of the County Executive.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 18 Budget is amended to increase it by \$5,198,611.80.
- 2) That Appropriations #2018069, #2018070, #2018071, #2018072, and #2018074 are approved;
and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

User Group Matrix

User Group	Shared Space Fee	Dedicated Space Fee
Public	No cost	No cost
Community Agency Partners	In-kind/no cost	In-kind/no cost <i>as space permits</i>
Private	Cost recovery	Cost-recovery

Proposed User Groups could be established as follows:

- Public (eg., County departments and School Division and Parks & Recreation-run programs)
- Community Agency Partners (eg., JABA, PVCC)
- Private (eg., member organizations, business-use, private event (birthday party, wedding))