

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of July 5, 2018</p>		
AGENDA ITEM/ACTION		<p style="text-align: right;">July 6, 2018</p> VIDEO
1. Call to Order.		
<ul style="list-style-type: none"> Meeting was called to order at 1:03 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		
4. Adoption of Final Agenda.		
<ul style="list-style-type: none"> By a vote of 6:0, MOVED agenda items 13, 14 and 15 to the consent agenda. By a vote of 6:0, ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members.		
<u>Rick Randolph:</u> <ul style="list-style-type: none"> Announced that the Scottsville Volunteer Fire Company Fourth of July parade was a success. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Announced she attended the Monticello Naturalization Ceremony. Noted as food for thought that in the United States there have been 154 mass shootings in the first 180 day of 2018. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Announced that Rt. 250 West will be closed for two weeks for the replacement of the Ivy Creek Bridge. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Mentioned Team RWB was at the Crozet parade recruiting for volunteers to assist veterans as they transition off active duty and she encouraged others to volunteer. Noted that volunteer fire companies have become a great source of recruitment for the Albemarle County Fire Department. 		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.		Link to video
<ul style="list-style-type: none"> <u>The following individuals spoke towards agenda item #9 Biodiversity Action Plan:</u> <ul style="list-style-type: none"> <u>Tom Oliver</u> <u>John Cruickshanks</u> <u>David Redding</u> <u>Neil Williamson</u> <u>Sean Tubbs</u>, Piedmont Environmental Council, spoke on growth management in Albemarle County and towards agenda item #9. <u>Peter Krebs</u>, Piedmont Environmental Council, spoke in favor of a bond referendum for bicycle and pedestrian infrastructure. <u>Richard Gullick</u>, White Hall District, spoke toward the South Rivanna Reservoir to Ragged Mountain Reservoir Water Line Project. <u>Eleanor Matano</u>, White Hall District, spoke towards service from Century Link. 		
8.2 FY 2018 Appropriations.	<ul style="list-style-type: none"> ADOPTED Resolution to approve #2018094 and #2018095 appropriations for local government and school division projects. 	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)
8.3 RSWA Support Agreement for McIntire Road Recycling Center.		<u>Clerk:</u> Forward copy of signed resolution to Facilities and

	<ul style="list-style-type: none"> • ADOPTED Resolution to approve the Amendment No. 7 to Local Government Support Agreement for Recycling Programs. 	Environmental Services and County Attorney's office. (Attachments 2 and 3)	
8.4	Hollymead Dam Spillway Improvements. <ul style="list-style-type: none"> • ADOPTED Resolution Supporting the Temporary Closure of Timberwood Parkway (Route 1521) During Construction Period. 	<u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and County Attorney's office. (Attachment 4)	
9.	Biodiversity Action Plan (BAP) for Albemarle County. <ul style="list-style-type: none"> • By a vote of 6:0, ENDORSED the Biodiversity Action Plan as laid out in the recommendations section of the executive summary. 	<u>Clerk:</u> Set out recommendations. (Attachment 5)	
10.	FY 19 – FY 23 Capital Improvement Plan and FY 19 Capital Budget. <ul style="list-style-type: none"> • Motion not to proceed with a bond referendum this year for local government “quality of life” projects and that they are funded through the CIP, passed by a vote of 5:1 (Randolph). • By a vote of 6:0, DIRECTED staff to return to the Board on August 1, 2018, to amend the FY 19 capital budget to reflect the School Boards request for an amendment to the FY 19 Capital Budget. • By a vote of 6:0, DIRECTED staff to return to the Board with the FY 19-23 Capital Improvement Plan on August 1, 2018. 	<u>Clerk:</u> Schedule on August 1, 2018 agenda. <u>Lori Allshouse:</u> Proceed as directed	
	Recess. <ul style="list-style-type: none"> • At 3:27 p.m., the Board recessed and reconvened at 3:38 p.m. 		
11.	Work Session: Albemarle County Fire Rescue Standards of Response Coverage. <ul style="list-style-type: none"> • Held. • DIRECTED staff to bring back more information. 	<u>Clerk:</u> Schedule on agenda when ready. <u>Fire/Rescue:</u> Proceed as directed.	
12.	Rivanna Water and Sewer Authority (RWSA) Quarterly Report. <ul style="list-style-type: none"> • RECEIVED. 		
13.	Albemarle County Service Authority (ACSA) Quarterly Report. <ul style="list-style-type: none"> • MOVED to Consent Agenda. 		
14.	Virginia Department of Transportation (VDOT) Quarterly Report. <ul style="list-style-type: none"> • MOVED to Consent Agenda. 		
15.	County Transportation Planner Quarterly Report. <ul style="list-style-type: none"> • MOVED to Consent Agenda. 		
16.	Closed Meeting. <ul style="list-style-type: none"> • At 5:57 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. • To discuss and consider the annual performance and salaries of the Board Clerk and the County Attorney. • 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. 		

<ul style="list-style-type: none"> Under Subsection (5), to discuss the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community. Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities. 		
17. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:11 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
18. Vacancies and Appointments. <ul style="list-style-type: none"> Moved later on agenda. 		
19. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> Jeff Hetmanski, Samuel Miller, spoke on transient lodging. 		
20. Presentation: Equal Justice Initiative-Community Remembrance Project. <ul style="list-style-type: none"> RECEIVED. By a vote of 6:0, ADOPTED Resolution of Support for Equal Justice Initiative's Community Remembrance Project. 	(Attachment 6)	
21. <u>Pb. Hrg: FY 2019 Budget Amendment and Appropriations.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to approve appropriations #2019006, #2019007, #2019008, #2019009 and #2019010 for local government and school projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment7)	
20a. Discussion: Resolution to Recognize July 12th, 2018 as John Henry James Day. <ul style="list-style-type: none"> CONSENSUS to support and DIRECTED staff to prepare resolution. 	<u>Clerk:</u> Schedule on July 11 agenda.	
22. <u>Pb. Hrg: SP201700020 Restore'n Station.</u> <ul style="list-style-type: none"> CONSENSUS, to keep condition #5 as and to amend condition #6 as proposed by the applicant. DIRECTED, staff to add resolution to the July 9, 2018 agenda. 	<u>Clerk:</u> Add to the July 9 agenda.	
23. From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There were none. 		
24. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> Provided an update of the recruitment efforts for the Communications Director position and thanked the Board for their involvement thus far. Reported that he, Doug Walker and Roger Johnson participated in a conference call regarding the Conference Center Feasibility study. Announced that Lorna Gerome is working with school staff on a half day school leadership staff team building retreat. Participated in an in-depth tour of the Crutchfield plant. 		
Closed Meeting. <ul style="list-style-type: none"> At 8:14 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: 		

<ul style="list-style-type: none"> • Under Subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and • 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 the negotiation of an agreement for, and the possible relocation of court facilities. 		
<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 8:37 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>18. Boards and Commissions:</p> <ul style="list-style-type: none"> • APPOINTED, Mr. Charles Werner as an alternate member to the Fire Prevention Board of Appeals and Local Board of Building Code Appeals with said terms to expire November 21, 2023. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>25. Adjourn to July 9, 2018, 3:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:39 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 18 Appropriations

Attachment 2 – Resolution Approving Amendment No. 7 to Local Government Support Agreement for Recycling

Attachment 3 – Amendment No 7 to Local Government Support Agreement for Recycling Programs

Attachment 4 – Resolution Supporting the Temporary Closure of Timberwood Parkway (Route 1521)

Attachment 5 – Biodiversity Action Plan Staffs Recommendations

Attachment 6 – Resolution of Support for Equal Justice Initiative's Community Remembrance Project

Attachment 7 – Resolution to Approve Additional FY 19 Appropriations.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018094 and #2018095 are approved; and
- 2) 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.

**RESOLUTION APPROVING AMENDMENT NO. 7 TO LOCAL GOVERNMENT SUPPORT
AGREEMENT FOR RECYCLING PROGRAMS**

WHEREAS, the County, the City, and the Rivanna Solid Waste Authority ("RSWA") entered into an Agreement dated August 23, 2011 providing the terms of the County's and City's shared financial support for, and the RSWA's operation of, the Recycling Services through June 30, 2012, with an option for the County and the City to extend the agreement for two successive one-year periods; and

WHEREAS, the County and the City exercised their first option to extend the term of the Agreement through June 30, 2013; and

WHEREAS, the County, the City and the RSWA entered into Amendment Nos. 1, 2, 3, 4, 5, and 6 to extend the term of the Agreement through December 31, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, respectively; and

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2019, and the City is agreeable to an extension for such period.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Amendment No. 7 to Local Government Support Agreement for Recycling Programs and authorizes the County Executive to sign the Amendment subject to it being approved as to content and form by the County Attorney.

**AMENDMENT NO. 7 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 7** to the **Local Government Support Agreement for Recycling Programs** (this “Amendment”) is made this ____ day of June, 2018 by and among the **City of Charlottesville, Virginia** (the “City”), the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the “Original Agreement”) providing the terms of the City’s and County’s shared financial support and Authority’s operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority’s fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 3 to the Original Agreement dated January 28, 2014 extending the term of the Original Agreement through June 30, 2015; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 4 to the Original Agreement dated July 1, 2015 extending the term of the Original Agreement through June 30, 2016; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 5 to the Original Agreement dated June 6, 2016 extending the term of the Original Agreement through June 30, 2017; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 6 to the Original Agreement dated July 14, 2017 extending the term of the Original Agreement through June 30, 2018 (the Original Agreement, as amended by Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, Amendment No. 5, and Amendment No. 6, hereinafter, the "Agreement"); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2019, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2019.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:

Jeffrey Richardson
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

William I. Mawyer, Jr., P.E.
Executive Director

Date

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**A RESOLUTION SUPPORTING
THE TEMPORARY CLOSURE OF TIMBERWOOD PARKWAY (ROUTE 1521)
DURING CONSTRUCTION PERIOD**

WHEREAS, the Albemarle County Board of Supervisors concurs with the Department of Facilities & Environmental Services' request to temporarily close one-lane, northbound, of Timberwood Parkway (Route 1521) in Charlottesville, Virginia during the construction of the Hollymead Dam Spillway improvements; and

WHEREAS, the closure of the one Northbound lane of Timberwood Parkway (Route 1521) is proposed for approximately eight (8) months to allow safe installation of concrete block (ACB) mats on the downslope face of Hollymead Lake Dam during the months of September 2018 through April 2019; and

WHEREAS, compliance with state regulations for this dam is the responsibility of Albemarle County, and said dam spillway improvements are required to meet state dam safety regulations; and

WHEREAS, VDOT has reviewed and supports the proposed closure subject to the following conditions:

- Timberwood Parkway Northbound Lane may be closed to all but emergency vehicles, and the detour used weekdays and weekends, including holidays.
- The detour serving Hollymead and Forest Lakes subdivisions, commercial traffic, and public school transportation routes, must be clearly delineated as a detour, in a manner acceptable to VDOT.
- U.S. Rt. 29, Hollymead Drive, and Timberwood Boulevard remain capable of bearing detour traffic during the approximate eight (8) month construction period.
- The detour route must be maintained as described in the Detour Exhibit (Attachment B) for the duration of the detour usage.
- A Maintenance of Operation (MOT) Plan will be provided to VDOT for review and approval. Said MOT plan must specify signage and placement for the detour.

NOW, THEREFORE, BE IT RESOLVED THAT, for purposes of public necessity, convenience and general welfare, the Albemarle County Board of Supervisors hereby supports the request to close a single (northbound) lane of Timberwood Parkway (Route 1521) for approximately eight (8) months to allow for installation of improvements required to meet state dam safety requirements during the months of September 2018 through April 2019.

**BIODIVERSITY ACTION PLAN
STAFFS RECOMMENDATIONS**

1. Endorse BAP
2. Approve staff beginning a process to work with the Planning Commission to amend the Comprehensive Plan. The process includes:
 - a. Review with the Planning Commission.
 - b. Develop a Comprehensive Plan Amendment.
 - c. Public process.
 - d. Public hearing with the Planning Commission.
 - e. Return to the Board within one year to complete the Comprehensive Plan Amendment.
3. Direct staff to proceed with selected BAP recommendations:
 - a. ACE and PRFA programs should consider biodiversity values in conservation easement criteria. Use the BAP data and information used in BAP when assessing biodiversity values.
 - b. Habitat and biodiversity values should be considered in developing strategies for improving water quality and stream buffers, including possible revisions to the Water Protection Ordinance.
4. Endorse NHC efforts to proceed with selected BAP recommendations:
 - a. Biodiversity education.
 - b. Outreach to property owners about biodiversity value of high priority Important Sites.
 - c. Outreach to County staff and officials about biodiversity value of high priority Important Sites that are 1) County-owned or 2) the County may have some influence related to land use or land management.

Proclamation
Resolution of Support for Equal Justice Initiative's Community Remembrance Project

- WHEREAS,** the Equal Justice Initiative's Community Remembrance Project was founded to recognize victims of lynching by collecting soil from lynching sites, erecting historical markers, and creating memorials that recognize racial injustice.; and
- WHEREAS,** the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place at Wood's Crossing in the County of Albemarle; his body shot 70 times and his corpse hanging for hours; and
- WHEREAS,** local organizers are using the Equal Justice Initiative's Community Remembrance Project to bring awareness of this traumatic history, to foster a community dialogue, and to forge bonds of empathy and community healing through the memorialization of the lynching of Mr. James; and
- WHEREAS,** the Board of Supervisors supports the sentiment of the Equal Justice Initiative that a history of racial injustice must be acknowledged and mass atrocities and abuse must be recognized and remembered before a society can recover from mass violence; and
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors do hereby recognize and support the memorialization of the lynching of Mr. John Henry James in remembrance of our shared community history so that we may all ensure that these kinds of tragedies will be neither forgotten nor repeated.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY19 Budget is amended to increase it by \$20,948,338.31;
- 2) That Appropriations #2019006, #2019007, #2019008, #2019009 and #2019010 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, 2019.