

ACTIONS
Board of Supervisors Meeting of December 12, 2018

December 13, 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 2:34 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Assistant County Executive, Trevor Henry, Greg Kamptner, Claudette Borgersen, and Travis Morris. 		Link to video
<p>1.a Discussion: Board Meeting Schedule.</p> <ul style="list-style-type: none"> By a vote of 4:2 (Palmer, Dill) approved changing the Albemarle County Board of Supervisors schedule to the first and third Wednesday of each month. 	<p><u>Clerk:</u> Notify staff and change meeting dates online and post in prominent location in the County Office Building.</p>	
<p>2. Action Item: CVEC Broadband Support Agreement.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution approving the agreement between the County, ABA, EDA, and CVEC, and Central Virginia Services Inc. 	<p><u>Clerk:</u> Forward copy of signed resolution to Economic Development and the County Attorney's office. (Attachment 1)</p>	
<p>3. Work Session: Long Range Financial Planning Guidance.</p> <ul style="list-style-type: none"> HELD. 		
<p>4. Closed Meeting.</p> <ul style="list-style-type: none"> At 4:48 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (3), to discuss the disposition of County-owned property in the Scottsville Magisterial District, and the subsequent acquisition of real property in the same area for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and Under Subsection (6), to discuss and consider the investment of public funds for public facilities improvements in the Scottsville Magisterial district, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County. 		
<p>5. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:13 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>9. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Moved Item 19a, Year-End Review prior to the public hearings. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>10. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that she had received several phone calls recently asking why sidewalks had not been shoveled and asked how the Board's policy would be enforced. <p><u>Diantha McKeel:</u></p>		

	<ul style="list-style-type: none"> Announced the death of Diane Eritakis, who helped found the Teen Health Center at the University of Virginia. <u>Mark Graham</u>: Introduced the new Housing Director for Albemarle County, Stacy Pethia. 		
11.	Proclamations and Recognitions:		
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Laura Mallusi</u>, Scottsville District and a member of the Scottsville Town Council, announced the closure of the Scottsville Volunteer Rescue Squad and asked the Board to fund temporary staffing. <u>Gary Grant</u>, Rio District, inquired about the individual who escaped police custody in the Earlysville area on November 30, 2018. 		
19.	<p>Year-In Review.</p> <ul style="list-style-type: none"> RECEIVED. 		
13.1	<p>CLE201800220 Decipher Brewing 1740 Broadway Special Exception to Increase 25% Subordinate Retail Sales to 40%.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approving the special exception, subject to conditions. 	<u>Clerk</u> : <u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	
13.2	<p>Dunlora Temporary Truck Restriction.</p> <ul style="list-style-type: none"> ADOPTED Resolution. 	<u>Clerk</u> : <u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	
14.	<p><u>Pb. Hrg.: Virginia Community Development Block Grant (CDBG).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, SET public hearing for March 2019. 	<u>Clerk</u> : Schedule on March 6, 2019 agenda and advertise in the Daily Progress.	
15.	<p><u>Pb. Hrg.: Charlottesville-Albemarle Convention and Visitors' Bureau Agreement; Amendment.</u></p> <ul style="list-style-type: none"> HELD. 	<u>Clerk</u> : Schedule proposed amended agreement on future agenda.	
16.	<p><u>Pb. Hrg.: Biscuit Run Master Plan.</u></p> <ul style="list-style-type: none"> By a vote of 5:1 (Dill), ADOPTED the Biscuit Run Master Plan and phasing for submittal to DCR for approval. 	<u>Bob Crickenberger</u> : Submit Biscuit Run Master Plan and phasing to DCR for approval.	
	<p>Recess.</p> <ul style="list-style-type: none"> At 7:57 p.m., the Board recessed and reconvened at 8:12 p.m. 		
17.	<p><u>Pb. Hrg.: CPA201800004 – Rio29 Small Area Plan.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to approve CPA201800004, as amended. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)	
18.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Liz Palmer</u>:</p> <ul style="list-style-type: none"> Announced that the Rivanna Solid Waste Authority Board had reduced the tipping fee and the new rates would take effect in January. <p><u>Diantha McKeel</u>:</p> <ul style="list-style-type: none"> Reminded the Board about a discussion regarding communication between staff and the courts about the Board of Zoning Appeals vacancies. CONSENSUS to add a discussion to the January 9, 2019 agenda. 	<u>Clerk</u> : Add discussion item to the January 9 agenda.	

19.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Announced he had attended a meeting of the Airport Authority Board on December 12, 2018. • Invited Supervisors to an open house on December 19, 2018 at 3:30 p.m. 		
20.	<p>Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:43 p.m. 		

ckb/tom

Attachment 1 – Resolution Approving an Agreement Between the County of Albemarle, the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative, and Central Virginia Services, Inc.

Attachment 2 – Resolution to Approve Special Exception for CLE201800220 Decipher Brewing – 1740 Broadway Street

Attachment 3 – Resolution to Request the Virginia Department of Transportation (VDOT) and Commonwealth Transportation Board (CTB) Temporarily Restrict Through Truck Traffic on Loring Run and Dunlora Drive

Attachment 4 – Resolution to Approve CPA 2018-00004 RIO29 Small Area Plan

**RESOLUTION APPROVING AN AGREEMENT BETWEEN
THE COUNTY OF ALBEMARLE, THE ALBEMARLE COUNTY ECONOMIC DEVELOPMENT
AUTHORITY, CENTRAL VIRGINIA ELECTRIC COOPERATIVE, AND CENTRAL VIRGINIA SERVICES,
INC.**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative, and Central Virginia Services, Inc., to support the expansion of broadband service to the member customers of Central Virginia Electric Cooperative in the County by providing a grant in a sum equal to the County's public service taxes attributable to each year's construction costs of the broadband expansion project in the County, with the grant being limited in time and amount as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Agreement between the County of Albemarle, the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative, and Central Virginia Services, Inc., to support the expansion of broadband service in the County as described above, and authorizes the County Executive to execute the Agreement on behalf of the County once the Agreement has been approved as to substance and form by the County Attorney.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
CLE201800220 DECIPHER BREWING – 1740 BROADWAY STREET**

WHEREAS, Burton Ventures, LLC filed a zoning clearance application to open a brewery on property he leases at Tax Map Parcel Number 07700-00-00-040K0, which application is identified as Zoning Clearance 2018-220 Decipher Brewing 1740 Broadway Street (“CLE 2018-220”); and

WHEREAS, CLE 2018-220 includes a request for a special exception to allow a subordinate retail sales use to exceed 25% of the gross floor area of the primary industrial use as required by County Code § 18-26.2(a).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exception in County Code §§ 18-26.2(a) and 18-33.49, the information provided at the Board of Supervisors meeting and any written comments received, the Albemarle County Board of Supervisors hereby approves the special exception to allow subordinate retail sales for the primary brewery use to exceed 25% of the gross floor area of the primary brewer use as set forth in County Code § 18-26.2(a), subject to the condition attached hereto.

* * *

**CLE 2018-220 Decipher Brewing – 1740 Broadway Street
Special Exception Condition**

- 1) The gross floor area of subordinate retail sales shall not exceed 40% of the gross floor area of the by-right primary industrial use (brewery) as shown on plan prepared by the Gaines Group entitled “Upfit for Decipher Brewing, 1740 Broadway Street, Albemarle County, Virginia,” dated August 29, 2018.

**RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND
COMMONWEALTH TRANSPORTATION BOARD (CTB)
TEMPORARILY RESTRICT THROUGH TRUCK TRAFFIC ON LORING RUN AND DUNLORA DRIVE**

WHEREAS, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, complaints have been received by residents of the Dunlora neighborhood that an excessive number of construction related trucks are using local streets as a cut-through, creating a safety concern for residents; and

WHEREAS, the local residential streets are not served by sidewalks, requiring residents to walk in the streets; and

WHEREAS, VDOT has completed an analysis showing these Secondary Streets as impacted by nearby construction; and

WHEREAS, Belvedere Boulevard provides an improved access that allows construction traffic to avoid the Dunlora neighborhood that is fully served by sidewalks; and

WHEREAS, the proposed through truck restriction would be limited to the duration of construction in the development of the adjoining Belvedere neighborhood.

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation prohibit through trucks with a licensed weight of 12,001 pounds or greater on Dunlora Drive and Loring Run until the Resident Engineer determines the adjoining Belvedere development is substantially complete.

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors supports this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

**RESOLUTION TO APPROVE CPA 2018-00004
RIO29 SMALL AREA PLAN**

WHEREAS, Chapter 8 of the Places29 Master Plan, a component of the Albemarle County Comprehensive Plan adopted by the Board of Supervisors on June 10, 2015, recommends the preparation of a Small Area Plan for the area around the intersection of US 29 and Rio Road; and

WHEREAS, as recommended by the Places29 Master Plan, County staff has developed a proposed Rio29 Small Area Plan that would amend the Land Use Plan section of the Albemarle County Comprehensive Plan and Places29 Master Plan by replacing portions of the existing profiles of Neighborhood 1 and Neighborhood 2, consisting of an approximately 1/2 mile radius from the Rio Road and Route 29 intersection; and

WHEREAS, the proposed Rio29 Small Area Plan would establish new land use policies, guidelines, recommendations, goals and strategies for future development within the Plan area; and

WHEREAS, the proposed Rio29 Small Area Plan would establish the following for the Rio29 Plan area: a vision for the development and redevelopment of the area and supporting recommendations; place types with form and use recommendations; a plan for the transportation network and its integration with the place types; a plan for open space, trails and natural resource protection and enhancement; and a plan for implementation and supporting community facilities and infrastructure; and

WHEREAS, on November 13, 2018, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2018-00004, at the conclusion of which it: (i) concluded that approval of CPA 2018-00004 is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County, and (ii) adopted a Resolution recommending approval; and

WHEREAS, on December 12, 2018, the Board of Supervisors held a duly noticed public hearing on CPA 2018-00004.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2018-00004 and amends: (i) the Land Use Plan section of the Albemarle County Comprehensive Plan as shown on the draft Rio29 Small Area Plan dated December 12, 2018, and (ii) the Places29 Master Plan as shown on the proposed Places29 Master Plan reflecting an amendment date of December 12, 2018 with maps dated November 5, 2018.

BE IT FURTHER RESOLVED that the land use designation of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.