

ACTIONS
Board of Supervisors Meeting of June 16, 2021

June 17, 2021

<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 3:30 p.m. by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED discussion on enabling authority for photo speed monitoring devices. By a vote of 6:0, ADOPTED final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Bea LaPisto-Kirtley</u></p> <ul style="list-style-type: none"> Commented that the Mild Weed plants at Darden Towe were growing very well. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Announced that the Batteau Festival would be held on June 23rd from 3:00 to 8:00 p.m. Announced that the Scottsville Fourth of July parade would be held on the 3rd of July at 9:00 a.m. and would be followed by a cruise-in car show at the uptown shopping center followed by a music festival from 5:30 to 9:00 p.m. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented on her attendance at the Western Albemarle High School graduation and commended students on their strength and their different levels of achievement, noting that many were just glad to finish and move on to the next phase of their life. Announced that the Crozet Fireman's Parade would begin at 5:00 p.m., followed by a music festival at Crozet Park until the fireworks display that evening. Announced the Earlysville parade would be Monday, July 5, at 10:00 a.m. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Resolution of Appreciation for Michael Freitas.</p> <ul style="list-style-type: none"> ADOPTED resolution and presented to Michael Freitas. <p>b. Resolution of Appreciation for Phyllis Savides.</p> <ul style="list-style-type: none"> ADOPTED resolution and presented to Phyllis Savides. <p>c. Recognition of Siri Russell.</p> <ul style="list-style-type: none"> Recognized Siri Russell for her accomplishments as a county employee and as Director of Equity and Inclusion. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Roy Van Doorn</u>, City resident and Charlottesville Chapter President of the Virginia Restaurant Lodging, and Travel Association, spoke toward agenda item #9. 		

	<ul style="list-style-type: none"> • <u>Jonathan McMahon</u>, resident of the Scottsville District, spoke toward consent agenda item #8.1. • <u>Courtney Cacatian</u>, resident of the Samuel Miller District and CACVB Executive Director, spoke toward agenda item #9. 	
8.1	Set Public Hearing to Consider the Adoption of an Ordinance to Amend County Code, Chapters 10, Firearms. <ul style="list-style-type: none"> • SCHEDULED public hearing to consider the adoption of the proposed ordinance. 	<u>Clerk:</u> Schedule on agenda and advertise in the Daily Progress.
8.2	Office of Housing Staff Request. <ul style="list-style-type: none"> • APPROVED creation of a permanent administrative and clerical support position within ACOH. 	<u>Social Services:</u> Proceed as approved.
9.	Work Session: American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). <ul style="list-style-type: none"> • Held. 	
10.	Closed Meeting. <ul style="list-style-type: none"> • At 5:39 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 and consider the appointment of an Interim Director of Social Services; and • Pertaining to the memorandum of agreement between the County and the City of Charlottesville regarding the County courts: <ol style="list-style-type: none"> 1. Under Subsection (3), to discuss and consider the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and 2. Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the County's rights under the terms of the agreement and under State law; and 3. Under Subsection (29), to discuss the scope of possible amendments to the agreement, which involve the expenditure of public funds, where discussion in an open meeting would adversely affect the bargaining position of the Board. 	
11.	Certify Closed Meeting. <ul style="list-style-type: none"> • At 6:03 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
	Non-Agenda. Appointment of Interim Director of Social Services. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Human Resources, Social Services and County Attorney's office. (Attachment 3)
12.	From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> • There were none. 	
13.	Pb. Hrg.: CPA2020-00001 Housing Albemarle. <ul style="list-style-type: none"> • Held. • CONSENSUS, to schedule on July 7 consent agenda. 	<u>Clerk:</u> Schedule on July 7 consent agenda.

<p>14. <u>Pb. Hrg.: SP 202100001 - Midway Solar.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution of approval for SP202100001 Midway Solar with the conditions contained in the resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>15. <u>Pb. Hrg.: Ordinance to Amend Chapter 2, Administration, of the Albemarle County Code, to Amend Section 2-202, Compensation of Board of Supervisors, to Increase the Compensation of the Members of the Board of Supervisors by 2% Effective July 1, 2021.</u></p> <ul style="list-style-type: none"> • By a vote of 5:1 (LaPisto-Kirtley), ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Human Resources, Finance and Budget, and County Attorney's office. (Attachment 5)</p>	
<p>16. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Announced that Albemarle County would now have the authority to use photo speed monitoring devices in highway work zones and school crossing zones with a civil. penalty. • Mentioned that she would like staff to consider the volume of material included in the Board of Supervisors agenda packet. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Commented that at the previous Monday's Scottsville Town Council work session, they referred to House Bill 1778, which allows any local community to enact an ordinance with regard to removal of clutter on property, and she would ask that County staff review that and bring it back. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Expressed concern for litter and vegetation growth, especially in the entrance corridors. 		
<p>17. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Presented the County Executive's monthly report. 		
<p>18. Adjourn to July 7, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> • The meeting was adjourned at 10:03 p.m. 		

ckb/tom

- Attachment 1 – Resolution of Appreciation for Michael Freitas
- Attachment 2 – Resolution of Appreciation for Phyllis Colman Savides
- Attachment 3 – Resolution Appointing the Interim Director of Social Services
- Attachment 4 – Resolution to Approve SP202100001 Midway Solar
- Attachment 5 – Ordinance No. 21-2(1)

Resolution of Appreciation for Michael Freitas

- WHEREAS,** Michael Freitas has faithfully served the County of Albemarle for over 15 years as the Chief of Public Works in a manner that exemplifies our community and organizational values; and
- WHEREAS,** Michael has shepherded countless operational initiatives and enhancement projects, where his skills, knowledge, and INNOVATION have resulted in operational savings and improved services to the community; and
- WHEREAS,** Michael's focus on COMMUNITY has resulted in equitable and inclusive access to County facilities and services, including the Yancey School Community Center; and
- WHEREAS,** Michael's commitment to STEWARDSHIP within the Facilities and Environmental Services Department has led to the retrofitting of many of our facilities' operational systems to reduce energy consumption and provide cleaner air to breathe inside County buildings; and
- WHEREAS,** Michael embodies our organization's core value of INTEGRITY as he looks beyond his home department to how his team's work will affect the organization; encourages others to strive for their personal and professional best; views the organization's success as his team's success; and is dedicated to providing the highest level of service to the community.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, hereby honor Michael Freitas and commend him for his years of exceptional service to the County of Albemarle; the Facilities and Environmental Services Department; Albemarle County residents; the broader community in which we live; and the Commonwealth of Virginia; with the knowledge that Albemarle County has been strengthened and distinguished by Michael's leadership, dedication, professionalism and compassion in meeting organizational and community needs.

Signed this 16th day of June 2021.

Resolution of Appreciation for Phyllis Colman Savides

WHEREAS, Phyllis Colman Savides has faithfully served the County of Albemarle for over 22 years with the Department of Social Services serving children and families as a therapist and in the foster care system before serving in the role of Assistant Director and then Director for the last 10 years; and

WHEREAS, Phyllis has shown superior leadership in moving to and maintaining team-based management, advancing a “leadership at all levels” philosophy, and expanding High Performance Organization principles throughout the Department; and

WHEREAS, Phyllis initiated and coordinated several state-wide pilot projects to improve services such as a new Foster Care Casework process, Structured Decision Making pilot, the Child and Family Services Review Program Improvement Plan pilot, and the concurrent planning pilot, and was a leader on the Charlottesville Area Foster Families Advisory Board working to enhance recruitment, training, and support for our local foster families in meeting the needs of our local foster children; and

WHEREAS, Phyllis championed numerous initiatives within the Department to better serve staff and residents of Albemarle County, including a new on-call backup system for child welfare, Kinship Care Guidelines, advancing concurrent planning within the department, and revising the Fraud program, and she successfully advocated for the county to manage its own Agency Review Budget Team process, working with the Office of Management & Budget to secure a facilitator; and

WHEREAS, Phyllis is highly regarded throughout her department, the County organization and the community as a thoughtful, kind, caring and compassionate service-oriented leader who fights vigorously for those most in need, acknowledging especially her leadership during the Covid-19 pandemic and the instrumental role she played in the county’s efforts to provide critical financial assistance to individuals and families in crisis.

NOW THEREFORE BE IT RESOLVED, by the Albemarle County Board of Supervisors that Phyllis Colman Savides is hereby honored and commended for her many years of exceptional service to the County of Albemarle, the Department of Social Services, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia with knowledge that Albemarle County is strengthened and distinguished by Phyllis’ dedication, commitment, professionalism and compassion in meeting community needs.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting, visible testament to the esteem in which Phyllis is held by this Board and previous Boards for her lasting legacy of community service and the tangible results from her work to make Albemarle County better for future generations.

Signed this 16th day of June 2021.

**RESOLUTION APPOINTING THE
INTERIM DIRECTOR OF SOCIAL SERVICES**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that Mary Stebbins is hereby appointed the Interim Director of Social Services ("Interim Director") for the County of Albemarle, Virginia effective July 1, 2021 pursuant to Virginia Code § 15.2-512; and

BE IT FURTHER RESOLVED that, during the term of this appointment, she shall have all those powers and duties of a Director of Social Services set forth in Virginia Code § 15.2-527 and in other sections of the Code of Virginia (1950), as amended, those powers and duties delegated or imposed by the Albemarle County Code and by duly adopted motions, resolutions, or ordinances of the Albemarle County Board of Supervisors, and those powers and duties as otherwise provided by general law; and

BE IT FURTHER RESOLVED that during the term of this appointment she shall continue to perform her duties as Deputy Director of Social Services ("Deputy Director") to the extent practicable; and

BE IT FURTHER RESOLVED that her annual salary during the term of this appointment shall be her current salary as Deputy Director plus 10 percent, subject to any cost-of-living or market adjustment increase provided to County employees generally; and

BE IT FURTHER RESOLVED that she shall serve as Interim Director at the pleasure of the Board;
and

BE IT FURTHER RESOLVED that, except as otherwise provided in this resolution, she is entitled to all other rights and benefits that she would receive as a Deputy Director; and

BE IT FURTHER RESOLVED that the term of this appointment shall not extend beyond the effective date of the appointment of a new permanent full-time Director of Social Services or a different Interim Director;
and

BE IT FURTHER RESOLVED that, upon the expiration of the term of this appointment, her resignation as Interim Director, or her removal as Interim Director by the Board, she may return full-time to her position as Deputy Director unless she has committed an act that would warrant her termination from County employment.

**RESOLUTION TO APPROVE
SP202100001 MIDWAY SOLAR**

WHEREAS, upon consideration of the staff report prepared for SP 202100001 Midway Solar and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. change the character of the adjacent parcels and the nearby area only minimally and until the screening trees mature;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100001 Midway Solar, subject to the conditions attached hereto.

* * * * *

SP202100001 Midway Solar Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Hewitt Solutions, PLLC titled "Central Virginia Electric Cooperative Midway Solar Project," dated December 17, 2020 (hereinafter "Concept Plan") and included as Attachment C. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffers

Land disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to within the proposed fenced area shown on the Concept Plan. The location of the entrance and access to the solar facility is not subject to this condition. Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan.
3. All inverters and solar panels must be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation in the office of the Circuit Court of the County of Albemarle.

5. Before a grading permit may be issued:
 - a. The Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle; and
 - b. To guarantee performance of Condition 8, the permittee shall furnish to the County's Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the guarantee shall be the costs identified in Conditions 4(e) and 4(f), and the amount of the guarantee must be updated as costs are updated as provided in Condition 6. The type of guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney,
6. The Decommissioning Plan and estimated costs must be updated upon (a) change of ownership of either the property or the project's owner or (b) written request from the Zoning Administrator, but in any event at least once every five years. The applicant must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
7. The owner must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
8. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
9. If the use, structure, or activity for which this special use permit is issued is not commenced by June 16, 2024, the permit will be deemed abandoned and will thereupon terminate.
10. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
11. Panels may be cleaned only with water and biodegradable cleaning products.
12. No above ground wires are permitted except for those associated with (a) the panels and attached to the panel support structure and (b) tying into the existing overhead transmission wires.
13. Before activating the site, the applicant must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
14. The property owner must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
15. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
16. Plantings for screening must include either (a) a minimum of three species types from the Albemarle County Recommended Plants List or (b) plantings as may be approved by the County's Agent. Species must be dispersed throughout the site.
17. Except for passenger vehicles and small utility vehicles, construction/truck traffic may access this property only from the west and not from Batesville.

ORDINANCE NO. 21-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

Chapter 2. Administration**Article 2. Board of Supervisors****Sec. 2-202 Compensation of the Board of Supervisors.**

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$17,311 per year, effective July 1, 2021.
- B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21)

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2021.