

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of January 19, 2022</p>		
		January 20, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner and Claudette Borgersen. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED a discussion regarding resolution in support of a letter being sent out by the Community Climate Collaborative to the General Assembly to item #22. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Commented on a January 1st, 2022 Washington Post article referencing that Fairfax and the City of Alexandria had joined the other counties that had already implemented a surcharge on plastic shopping bags. Mentioned that she had contacted Anthony Haro the Thomas Jefferson Area Coalition for the Homeless to get an update on Premier Circle. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that there was wide circulation on the flyer that the Communication and Public Engagement team put together regarding winter preparation and safety. Remarked that since the last storm, new processes were already underway to get better communication with senior housing providers and County emergency personnel, and she looked forward to the increased safety for residents. Requested and update on the timetable for adopting an ordinance requiring sidewalks to be shoveled. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Encouraged community members to continue to be prepared and to check on each other during severe weather events. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Thanked VDOT and Carrie Shephard for removing the two trees in the storm drains on Rio Road. Encouraged the Board and staff to consider a plan for if someone may not be able to clear their own sidewalk of snow. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Commented that he was thankful that all the ongoing projects of the County were being handled so well by staff. Mentioned that reassessment mailings had started to be mailed out and pointed out that the numbers on the reassessments were 		

[Link to Video](#)

	<p>simply instructive of what the reassessment was as a value of the property and not what their tax amount would be.</p> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Commented on the preparation by staff for the second winter storm and that County staff deserved recognition. • Reminded community members to do their best to clear their entire vehicle of snow and ice to prevent accidents, injury, or death. • Encouraged community member, when recycling, to put items in the bins for which they were intended and that recycling only worked when it was done right. 	
7.	<p>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>Susan Kruse</u> spoke on the Community Climate Collaborative. 	
8.4	<p>Resolution Confirming the Declaration of a Local Emergency and Declaring the Local Emergency Ended.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 1)</p>
9.	<p>Southwood Project Manager.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the allocation allocating \$170,000 from the Housing Fund to cover the salary and of hiring a temporary Housing Project Manager for a minimum of two years to support the Southwood Redevelopment project. 	
10.	<p>Work Session: Comprehensive Plan Working Group - Overview of Application & Selection Process.</p> <ul style="list-style-type: none"> • HELD. 	<p><u>Community Development:</u> Proceed as discussed.</p>
	<p>Recess. At 2:54 p.m., the Board recessed and reconvened at 3:10 p.m.</p>	
11.	<p>Discussion: Transit Governance Study Funding.</p> <ul style="list-style-type: none"> • HELD. 	
12.	<p>Presentation: Transit Expansion Funding.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the Resolution of Support for the Albemarle County Microtransit Demonstration Grant Application. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p>
13.	<p>Presentation: Rivanna Water and Sewer Authority (RWSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
14.	<p>Presentation: Albemarle County Service Authority (ACSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
15.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:39 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 an appointment to the Jefferson Area Board for Aging. 	
16.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 	

<p>Appointment.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPOINTED Supervisor Diantha McKeel to the Jefferson Area Board for Aging (JABA) to fill an unexpired term ending March 30, 2023. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>17. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Presented the County Executive's Monthly report. 		
<p>18. 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"> There were none. 		
<p>19. <u>Pb. Hrg.: SP201900009 S.L. Williamson Replacement Asphalt Plant.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the Resolution to approve the special use permit request, subject to the conditions attached thereto, as amended. By a vote of 6:0, ADOPTED the Resolution to approve the critical slopes special exception request By a vote of 6:0, ADOPTED the Resolution to approve the special exception request to waive building site area and dimension requirements 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 3 - 5)</p>	
<p>20. <u>Pb. Hrg.: An Ordinance to Amend County Code Chapter 6, Fire Protection Regarding Fireworks.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the ordinance to amend County Code Chapter 6, Fire Protection, to revise fireworks regulations. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Fire Rescue and County Attorney's office. (Attachment 6)</p>	
<p>21. <u>Pb. Hrg.: An Ordinance to Amend the Fire Rescue Fee Schedule.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the ordinance to amend the Fire Rescue Fee Schedule. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Fire Rescue and County Attorney's office. (Attachment 7)</p>	
<p>22. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Resolution Endorsing the Community Climate Collaborative (C3) Letter to the Virginia General Assembly.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the Chair to sign the Resolution Endorsing the Community Climate Collaborative (C3) Letter to the Virginia General Assembly. <p>b. Other Matters.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Asked what was needed to improve progress on sidewalk shoveling. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Commented on the sidewalk shoveling and noted that property owners did not want to give right-of-way if they were responsible for shoveling the sidewalk. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Asked for a copy of legislation passed by the General Assembly regarding shoveling of sidewalks, and if the bill applied to homeowners or commercial property owners. <p><u>Ned Gallaway:</u></p>	<p><u>Clerk:</u> Prepare letter for Chair's signature.</p> <p><u>County Executive:</u> Report to the Board about how dedicating local resources to sidewalk shoveling would impact the budget.</p>	

<ul style="list-style-type: none"> • Noted that the Board had not had a conversation regarding snow shoveling and that the issue would have to be placed on the agenda and discussed as an item to decide how to move forward. • Announced the Regional Housing Partnership (RHP) was beginning its strategic planning process and would be underway in the first quarter of the year. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Commented that she was concerned with imposing a burden on community members without the resources to clear snow off of sidewalks for something that was not a regular occurrence. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Mentioned that he had attended the Solid Waste Advisory Alternatives Committee meeting. • Commented that an agenda item at the upcoming Albemarle Broadband Authority meeting would be how to respond to the litany of complaints regarding CenturyLink. Ms. Mallek said she would like to request an SCC Special Master visit the County and suggested addressing the issue at the first meeting in February. 		
<p>23. Adjourn to January 20, 2022 at 8:30 a.m. an electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:56 p.m. 		

ckb/tom

- Attachment 1 – Resolution Confirming the Declaration of a Local Emergency and Declaring the Local Emergency Ended
- Attachment 2 – Resolution of Support for the Albemarle County Microtransit Demonstration Grant Application
- Attachment 3 – Resolution to Approve SP201900009 S.L. Williamson Replacement Asphalt Plant
- Attachment 4 – Resolution to Approve Special Exception for SE 2021-00036 S.L. Williamson Replacement Asphalt Plant Critical Slopes Waiver
- Attachment 5 – Resolution to Approve Special Exception for SE 2021-00037 S.L. Williamson Replacement Asphalt Plant Building Site Area and Dimensions Waiver
- Attachment 6 – Ordinance to Amend County Code Chapter 6, Fire Protection
- Attachment 7 – Ordinance to Amend the Fire Rescue Fee Schedule

**RESOLUTION CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY
AND DECLARING THE LOCAL EMERGENCY ENDED
(Virginia Code § 44-146.21)**

WHEREAS, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency pursuant to Virginia Code § 44-146.21 on January 15, 2022 in anticipation of significant adverse impacts arising from a major winter storm (the “Storm”) forecast to affect Albemarle County beginning on January 16, 2022.

NOW THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors confirms the Director of Emergency Management’s declaration of a local emergency on January 15, 2022; and

BE IT FURTHER RESOLVED that, there being no further emergency actions to be taken in response to the Storm, the local emergency is ended.

**RESOLUTION OF SUPPORT
FOR THE ALBEMARLE COUNTY MICROTRANSIT DEMONSTRATION GRANT APPLICATION**

WHEREAS, the Albemarle County Board of Supervisors has routinely provided funding to the City of Charlottesville's Charlottesville Area Transit and to JAUNT for both fixed route and on-demand public transportation services for areas within the County of Albemarle; and

WHEREAS, Virginia Code §15.2-947 enables local governing bodies to contract with any authority providing public transportation in contiguous localities for transportation services or the interchange of passengers for the purpose of providing continuous service between localities; and

WHEREAS, Albemarle County Comprehensive Plan Transportation Objective 3 states, "multi-modal transportation has been a hallmark of the Charlottesville Albemarle long-range transportation plan, including traffic demand management techniques. It is also a key principle in the Neighborhood Model, as discussed in the Land Use for Development Areas Chapter. Providing regional multimodal transportation options featured prominently in the joint City-County policy recommendations in the Livable Communities Planning Project. Albemarle County strives to promote transit-friendly, walkable, mixed-use communities that are served by multiple transportation modes. A connected, mixed-used community can reduce the number of vehicle miles traveled (VMT) and, thereby, improve citizens' health by reducing vehicle emissions;" and

WHEREAS, the Thomas Jefferson Planning District Commission developed an Albemarle County Transit Expansion Study that identifies opportunities for immediate expansion and improvement to transit service in three key study areas: Pantops, Monticello, and along Route 29 from the Albemarle County/City of Charlottesville line to UVA's North Fork Discovery Park; and

WHEREAS, the Study recommended microtransit services within all three study areas, with the study team suggesting the Route 29 North-area and Pantops-area microtransit services would be competitive for Department of Rail and Public Transit demonstration grant funding; and

WHEREAS, the Study's recommended microtransit services would remove an estimated 75 single-occupancy vehicle trips per day from the Route 29 North service area and 25 single-occupancy vehicle trips from the Pantops service area; and

WHEREAS, the transit provider would run this service for 12 months beginning in Fiscal Year 2023 – a duration which is expected to demonstrate the long-term success of the transit service; and

WHEREAS, the cost to run this service for 12 months beginning in Fiscal Year 2023 is estimated not to exceed \$2,250,000, which includes a required local match of approximately \$450,000 for this period; and

WHEREAS, the Albemarle County Board of Supervisors recognizes the need to reduce single-occupant vehicles within Albemarle County, reducing carbon emissions, reducing traffic congestion and destination parking, improving travel times, and improving traffic safety.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, and general welfare, the Albemarle County Board of Supervisors hereby supports the recommended microtransit service in the Route 29 North and Pantops service areas; and

BE IT FURTHER RESOLVED THAT the Albemarle County Board of Supervisors supports a contribution not to exceed \$450,000 toward the local match to provide microtransit services in the Route 29 North and Pantops service areas for 12 months beginning in Fiscal Year 2023.

**RESOLUTION TO APPROVE
SP201900009 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT**

WHEREAS, upon consideration of the staff report prepared for SP 201900009 S.L. Williamson Replacement Asphalt Plant 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 §§ 18-30.4.02.2(2) 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. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Natural Resource Extraction overlay zoning 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 201900009 S.L. Williamson Replacement Asphalt Plant, subject to the conditions attached hereto.

* * *

SP201900009 S.L. Williamson Replacement Asphalt Plant Special Use Permit Conditions

1. SP201900009 will be developed in general accord with the concept plan titled "Concept Plan, S.L. Williamson Asphalt Plant @ Red Hill Quarry," dated August 19, 2019, and last revised March 3, 2021. The Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. Hours of operation of the asphalt plant will be between 7:00 a.m. and 12:00 a.m., Monday through Sunday, provided that for no more than 110 days per year, the hours of operation may be between 12:01 a.m. and 12:00 a.m., Monday through Sunday;
3. Sound and noise attenuation measures will be provided as necessary to comply with the County's noise ordinance (section 18-4.18);
4. Plant site lighting will comply with the County's outdoor lighting ordinance (section 18-4.17). Height of the asphalt plant and all associated structures will be limited to 80 feet.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00036 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT
CRITICAL SLOPES WAIVER**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00036 S.L. Williamson Replacement Asphalt Plant Critical Slopes Waiver application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3(b), 18-4.2.5(a), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and

- i. Strict application of the requirements of County Code § 18-4.2 would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare; and
- ii. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of County Code § 18-4.2 to at least an equivalent degree; and
- iii. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception to allow the disturbance of critical slopes in general accord with the Concept Plan prepared by Roudabush, Gale & Associates, last revised on March 3, 2021, and submitted in connection with SP 2019- 00009.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00037 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT
BUILDING SITE AREA AND DIMENSIONS WAIVER**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00037 S.L. Williamson Replacement Asphalt Plant Building Site Area and Dimensions Waiver application and the attachments thereto, including staff's supporting analysis, the recommendation from the Virginia Department of Health, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.2(a) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition;
- (ii) no reasonable alternative building site exists; and
- (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception to waive the building site area and dimensions otherwise required by County Code § 18-4.2.2(a), in general accord with the Concept Plan prepared by Roudabush, Gale & Associates, last revised on March 3, 2021, and submitted in connection with SP 2019- 00009.

ORDINANCE NO. 22-6(1)

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE 1II, FIREWORKS, 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 6, Fire Protection, Article III, Fireworks, is hereby amended and reordained as follows:

By Amending:

Sec. 6-303 Fireworks permits – Required.

Sec. 6-304 Fireworks permits – Application.

Chapter 6. Fire Protection**Article III. Fireworks****Sec. 6-303 Fireworks permits—Required.**

- A. Notwithstanding the other provisions of this article, displays of fireworks may be given by fair associations, amusement parks or by any organization or group of individuals in accordance with a permit from the fire official. Except as provided in section 6-302, it shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such a permit from the fire official.
- B. Except as provided in section 6-302, any person, business, organization or other entity engaged in the sale, storage, distribution, manufacture or display of fireworks anywhere in the County of Albemarle must obtain a permit from the fire official and must comply with all terms and conditions imposed by the fire official in connection with the permit prior to engaging in any sale, storage, distribution, manufacture or display of fireworks. The fee for such permit shall be as established in the fee schedule maintained by the fire official, as may be amended from time to time by the Board of Supervisors.

(Code 1967, § 10-6; 4-13-88; Ord. No. 97-9(1), 1-8-97; Code 1988, § 9-12; Ord. 98-A(1), 8-5-98; Ord. 01-6(1), 6-6-01; Ord. 13-6(2), 5-8-13; Ord. 22-6(1), 1-19-22)

State law reference(s)—For state law as to authority of county to adopt this section, see Va. Code § 15.2-974.

Sec. 6-304 Fireworks permits—Application.

Any person, business, organization or other entity required by section 6-303 to obtain a permit shall make application to the fire official at least 10 days prior to the date of such fireworks display or other activity requiring a permit. Applications submitted less than 10 days prior to the proposed fireworks display or other activity requiring a permit may be considered by the fire official if, in the fire official's sole discretion, it is determined that a sufficient investigation can be conducted. An application submitted less than 10 days prior to the proposed display or activity shall include, in addition to any other applicable fee, a fee for the expedited investigation and processing. The fee for such expedited permit shall be as established in the fee schedule maintained by the fire official, as may be amended from time to time by the Board of Supervisors. Applications shall be on forms provided by the fire official. The applicant shall furnish such information as may be required by the fire official, comply with all terms and conditions imposed by the fire official and pay the required fee(s).

(Code 1967, § 10-7; 4-13-88; Ord. No. 97-9(1), 1-8-97; Code 1988, § 9-13; Ord. 98-A(1), 8-5-98; Ord. 01-6(1), 6-6-01; Ord. 22-6(1), 1-19-22)

ORDINANCE NO. 22-A(1)

**AN ORDINANCE TO AMEND AND ADOPT
THE ALBEMARLE COUNTY FIRE RESCUE
OFFICE OF THE FIRE MARSHAL FEE SCHEDULE**

WHEREAS, pursuant to Virginia Code § 27-97, the Board has adopted the Virginia Statewide Fire Prevention Code as set forth in § 6-200 of the Albemarle County Code; and

WHEREAS, the Board is authorized by Virginia Code § 27-98 to establish such procedures or requirements, including the imposition of fees to defray costs, as may be necessary for the administration and enforcement of the Virginia Statewide Fire Prevention Code.

NOW, THEREFORE, BE IT ORDAINED THAT the Albemarle County Board of Supervisors hereby adopts the Albemarle County Fire Rescue Office of the Fire Marshal Fee Schedule, as amended, attached hereto and incorporated herein.

This ordinance shall be effective immediately.