

ACTIONS		
Board of Supervisors Meeting of March 16, 2022		
		March 17, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <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 with the exception Mr. Gallaway who arrived at 1:27 p.m. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> ADDED discussion on Magisterial District mapping. By a vote of 5:0, ADOPTED final agenda as amended. 		
5. Brief Announcements by Board Members. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Commented his hope that this week would be the last time change that he will have to go through if legislation passes in the US House of Representatives. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Suggested writing a letter regarding Daylight Savings. Thanked Supervisors for their willingness to sign up for tours of the Albemarle-Charlottesville Regional Jail. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that pick-up for the Drinking Water Clinic for Well Water Testing sponsored by the Virginia Coop Extension is on May 2 and drop-off is May 4. Announce that the Earlysville Volunteer Fire Company Car Scavenger Hunt will be on March 26 and advanced tickets could be purchased online and at the Firehouse. Mentioned that Rosie Mae Garrison passed away on March 2 and reported that she was the last surviving Albemarle County citizen born in the mountains that is now the Shenandoah National Park. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Mentioned that Supervisors have received communications from community members regarding storm debris and applauded crews and asked for patience they continue to clear what is a total of 600,000 cubic yards of debris. Report on a meeting that she had with individuals from the Downtown Crozet Initiative. Reported that she along with a group from the Town of Scottsville collected trash from along the side of the highway. Report on her attendance at a book signing at Bains in the Town of Scottsville; and her viewing of the Picture Climate Justice exhibit at the Jefferson School. Announced that the County received a proclamation from the Governor in recognition of Women's History Month. 		

	<p>Hill School Road (Rt. 784) as the highest priorities; and</p> <ul style="list-style-type: none"> Fund and send notification letters to adjacent landowners along Cove Garden Road (Rt. 633) to determine support for paving. 	
	Recess. At 2:41 p.m., the Board recessed and reconvened at 2:51 p.m.	
	Note: Due to technical difficulties the Board took a brief recess at 2:53 p.m., and reconvened at 2:54 p.m.	
10.	Work Session: Fiscal Year 2023 Community Development Work Program. <ul style="list-style-type: none"> HELD. 	<u>Community Development:</u> Proceed as discussed.
11.	Presentation: Department of Social Services Advisory Board Annual Report Fiscal Year 2021. <ul style="list-style-type: none"> RECEIVED. 	
12.	Closed Meeting. <ul style="list-style-type: none"> At 4:38 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 the County Attorney's successor upon his pending retirement; and Under Subsection (5), to discuss and consider the expansion of two existing County businesses identified as Projects Poma and Bee Friend, where no previous announcement has been made of their interest in expanding their facilities in the County and where the investment of public funds to support their expansion involves bargaining and, if made public initially, would adversely affect the financial interest of the County. 	
13.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
	Non-Agenda. <ul style="list-style-type: none"> Motion to authorize the Chair to sign an agreement, after it is approved as to form by the current County Attorney, between the County and Sands Anderson PC to provide County Attorney services for an initial term of 90 days, in which Cynthia E. Hudson is designated as the primary attorney to provide those services passed by a vote of 6:0. 	<u>County Attorney:</u> Provide Clerk with copy of fully executive agreement.
14.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> There were none. 	
15.	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"> <u>Kent Schluskel</u>, resident of the Rio District, addressed the Board and thanked staff for addressing concerns that he previously brought forth regarding the AC44 Working Group Questionnaire. 	

<p>Note: At 6:07 p.m., Supervisor Ned Gallaway made a statement and disqualified himself from the Overlook Hotel Rezoning and the Auto Superstore Special Use Permit Amendment and the related approval because he is employed by CarLotz which is an occupant of the property that is subject to the Auto Superstore special use permit amendment and left the meeting.</p>		
<p>16. <u>Pb. Hrg.: ZMA202000013 Overlook Hotel: Pantops PDMC Amendment.</u></p> <ul style="list-style-type: none"> By a vote of 5:0, ADOPTED Ordinance to approve the zoning map amendment ZMA202000013 Overlook Hotel: Pantops PDMC Amendment. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 8)</p>	
<p>17. <u>Pb. Hrg.: SP202100010 Auto Superstore SP Amendment.</u></p> <ul style="list-style-type: none"> By a vote of 5:0, ADOPTED resolution to approve the special use permit SP202100010 Auto Superstore SP Amendment, with conditions. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>	
<p>18. <u>Pb. Hrg.: Virginia Community Development Block Grant (CDBG).</u></p> <ul style="list-style-type: none"> By a vote of 5:0, ADOPTED Resolution approving the County's submission of the CDBG application for Village 2 of the Southwood Redevelopment Project, and AUTHORIZED the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application. 	<p><u>Clerk:</u> Forward copy of signed resolution to Social Services and County Attorney's office. (Attachment 8)</p> <p><u>County Executive:</u> Proceed as authorized.</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Magisterial District mapping.</p> <ul style="list-style-type: none"> ADDED further discussion on Options 2 and 3 in addition to Option 1 before taking action on Ordinance to Revise Local Magisterial District and Precinct Boundaries. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Reported on his attendance at the most recent Solid Waste Alternatives Advisory Committee (SWAAC) meeting. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Commented and suggested that Supervisors think about connectivity during the Comp Plan discussions as that is an opportunity to strengthen connectivity guidelines. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reported on the most recent Rivanna Water and Sewer Authority (RWSA) meeting. Commented on the importance of having good ordinances in place for the new phases of lighting for commercial, new and existing construction. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Reported on the recent Village of Rivanna Community Advisory Committee meeting. 	<p><u>Clerk:</u> Note additional discussion in preparing March 23 agenda.</p>	
<p>20. Adjourn to March 17, 2022, 8:00 a.m., electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> The meeting was adjourned at 7:16 p.m. 		

Attachment 1 – Proclamation Recognizing March 2022 as the 20th Annual March for Meals Month
Attachment 2 – Resolution of Appreciation for Gustav Gregory Kamptner
Attachment 3 – Resolution of Intent Zoning Text Amendment Stream Buffers
Attachment 4 – Resolution of Intent
Attachment 5 – Resolution Declaring Local Emergency Ended (COVID-19 Disaster) (Virginia Code § 44-146.21)
Attachment 6 – Ordinance No. 22-A(4) ZMA 2020-00013 Overlook Hotel: Pantops PDMC
Attachment 7 – Resolution to Approve SP202100010 Auto Superstore SP Amendment
Attachment 8 – Resolution

**PROCLAMATION RECOGNIZING MARCH 2022 AS THE
20th 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 2022 observance of March for Meals celebrates 20 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; and
- WHEREAS,** the Meals on Wheels program in Albemarle County has served our community admirably for 44 years, serving 322 homebound citizens and delivering 66,720 home-delivered meals in 2021, 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 heroic contributions and essential services they have provided amid the COVID-19 pandemic and will continue to provide to local communities, our State, and our Nation long after it is over.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize March 2022 as the 20th Annual March for Meals Month and urge every citizen to take this month to honor the Meals on Wheels program, the seniors and other disabled citizens they serve, and the volunteers who care for them.

Signed this 16th day of March 2022.

Resolution of Appreciation for Gustav Gregory Kamptner

WHEREAS, for a total of 27 years serving the County Attorney's Office, including six years as County Attorney, Gustav Gregory "Greg" Kamptner has provided the Board of Supervisors and County staff with critical legal advice regarding significant and complex issues in a variety of specialized areas related to land use planning, zoning regulations, ministerial processes, and enabling legislation - freely sharing his expertise with colleagues across the Commonwealth through his highly-regarded and annually updated Land Use Law Handbook and related classroom teaching; and

WHEREAS, Greg's many contributions were recognized in 2015 by the Local Government Attorneys of Virginia, which presented him with the prestigious Cherin Award in honor of his distinguished public service that reflects a personal commitment to the highest ethical and professional principles and which has enhanced the image of local government attorneys in the Commonwealth; and

WHEREAS, during his six-year tenure as the County Attorney, Greg advanced numerous important Board intergovernmental and public-private partnership initiatives, including the expansion and renovation of the County Courts Complex, and performance agreements for the Southwood redevelopment project, Woolen Mills/Willow Tree adaptive re-use project, Barnes Lumber mixed-use site redevelopment project, among many others; and

WHEREAS, Greg further distinguished himself guiding the County through significant disruption brought about by violent civil unrest in the summer of 2017 and subsequent events, and through the application of the new state code enabling localities to move, remove, or relocate war memorials, and through his extraordinary work providing critical leadership and all-around good counsel for Albemarle County and other localities throughout the two years of the COVID-19 pandemic – providing research findings, developing policies and procedures, and preparing model ordinances for the declaration of a local emergency, the continuity of government operations, and the prevention of the spread of the COVID-19 virus; and

WHEREAS, as an exceptional attorney who has consistently provided the highest level of dedicated, ethical, and valuable service, Greg has been indispensable to the County government and the epitome of a faithful public servant.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby honor and commend Greg Kamptner for his many years of exceptional service to the County of Albemarle, its residents, the County Attorney's Office, the broader community in which we live, and the Commonwealth of Virginia. Albemarle County is strengthened and distinguished by Greg's dedication, commitment, and professionalism in meeting County government and community needs.

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

Signed this 16th day of March 2022.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
STREAM BUFFERS**

WHEREAS, pursuant to Albemarle County Code § 18-1.4, one of the intended purposes of the Zoning Ordinance is to “Protect surface water and ground water as defined in Virginia Code § [62.1-255](#)”; and

WHEREAS, Albemarle County Code § 18-30.1.1 allows for the establishments of overlay districts for the purpose of imposing special regulations in certain areas that are intended to accomplish the stated purpose of the particular overlay district; and

WHEREAS, it is desired to adopt regulations in Albemarle County Code Chapter 18 (the Zoning Ordinance) that are complementary to the regulations contained in Albemarle County Code Chapter 17; and

WHEREAS, in conjunction with the County’s Stream Health Initiative, it is desired to implement regulations to protect the surface water resources of the County.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* § 18-30, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to bonus densities in Albemarle County Code § 18-2; and

WHEREAS, it is desired to incorporate the Housing Albemarle Policy into the bonus density regulations to further the County's strategic goals related to affordable housing, to create consistency in the application of density regulations between districts, and to amend related regulations, as appropriate.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-2, 18-3, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
(COVID-19 Disaster)
(Virginia Code § 44-146.21)**

WHEREAS, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

WHEREAS, on March 18, 2020, the Board of Supervisors consented to the Director of Emergency Management issuing an amended declaration of local emergency to refer to the COVID-19 pandemic as not only an emergency, but also as a “disaster,” as the Governor had determined in Executive Order No. 51, and the amended declaration was issued on March 20, 2020; and

WHEREAS, there are no further emergency actions related to the COVID-19 disaster to be taken by the County and the Director of Emergency Management.

NOW THEREFORE, BE IT RESOLVED, that the declared local emergency in response to the COVID-19 disaster is ended.

**ORDINANCE NO. 22-A(4)
ZMA 2020-00013 OVERLOOK HOTEL: PANTOPS PDMC**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCEL 07800-00-00-073A7**

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2020-00013 and their attachments, including the application plan last revised on February 21, 2022 and the project narrative last revised on February 21, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-20A.1 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2020-00013 with the application plan and project narrative, each last revised on February 21, 2022.

**RESOLUTION TO APPROVE
SP202100010 AUTO SUPERSTORE SP AMENDMENT**

WHEREAS, upon consideration of the staff report prepared for SP 202100010 Auto Superstore SP Amendment 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 §§ 18-24.1, 18-30.6.3(a)(2)(b) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use (as amended) 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, the Highway Commercial zoning district and the Entrance Corridor Overlay District, with the uses permitted by right in the Highway Commercial 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 202100010 Auto Superstore SP Amendment, subject to the conditions attached hereto.

* * * * *

SP202100010 Auto Superstore SP Amendment Special Use Permit Conditions

- 1) Vehicles shall not be elevated.
- 2) Vehicles shall be displayed only in the areas indicated for display shown on the plan.
- 3) The use shall not commence until a Certificate of Appropriateness is issued by the ARB, including landscape and lighting plans.
- 4) Provide screening trees to the south and west of the proposed parking area to reduce the impact of the loss of trees and to soften the appearance of the expanse of proposed pavement.
- 5) Provide the planting bed with the seven (7) Eastern Red Cedars in the central portion of the parking area as shown on the Minor Site Plan Amendment (SDP 02-34) dated March 8, 2002, revised November 4, 2002.
- 6) Provide screening trees that will grow to a height that will sufficiently screen the proposed parking area. This will require a wider planting area, which will necessitate the removal of most, if not all, of the eleven (11) display parking spaces in the first row.

RESOLUTION

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents, and to improving the livability of all neighborhoods; and

WHEREAS, the County of Albemarle has recognized the redevelopment of the Southwood Mobile Home Park as a strategic priority; and

WHEREAS, the County of Albemarle executed a public/private partnership agreement with the Habitat for Humanity of Greater Charlottesville (Habitat) in July 2019 to provide resources to Habitat to assist with redevelopment initiatives; and

WHEREAS, after holding public hearings on March 2, 2022 and March 16, 2022, the County wishes to apply for up to \$1,350,000 in Virginia Community Development Block Grant (CDBG) funds to support the construction of 25 affordable residential housing units, and sidewalks and paved walkways in Village 2 of the Southwood Redevelopment Project; and

WHEREAS, the projected benefits of the Project are improved living conditions for 25 low- and moderate-income households currently residing in the Southwood Mobile Home Village.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby endorses the County's submission of the CDBG grant application for Village 2 of the Southwood Redevelopment Project, and authorizes the County Executive to execute the application and any required certifications and assurances, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.