

**ACTIONS**  
**Board of Supervisors Meeting of April 6, 2005**

April 7, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 9:04 a.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, and Debi Moyers.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Cate Wyatt spoke about Journey Through Hallowed Ground, an initiative celebrating this area's heritage, which began in 1996. She asked that she be allowed to make a more thorough presentation to the Board at a future date.</li> <li>John B. Gregg, Branchlands member of Hillsdale Drive Extension Steering Committee, urged the Board to vote against building the Hillsdale Extension.</li> <li>Robert Metzger, President of the Brookmill Association, requested the Board not support the Hillsdale Extension.</li> <li>Jim Hill, President of the Northfield Community Association, also spoke on the Hillsdale Drive Extension, and expressed opposition to building the extension.</li> <li>Alexis Echols, a resident of Brookmill, spoke in opposition to the extension of Hillsdale Drive.</li> <li>Neil Williamson from Free Enterprise Forum thanked the Supervisors for engaging community groups in the proposed Subdivision Text Amendment. He encouraged the Board to work with the community groups and draft an ordinance that everyone can support.</li> </ul>	<p><u>Clerk:</u> Schedule on future agenda.</p>
<p>5. Boards and Commissions Certificate of Appreciation.</p> <ul style="list-style-type: none"> <li>Chairman <b>PRESENTED</b> certificate to Christopher Lee formally of the Public Recreational Facilities Authority.</li> </ul>	
<p>6.2 Proclamation recognizing April 2005 as Fair Housing Month.</p> <ul style="list-style-type: none"> <li>Chairman <b>PRESENTED</b>.</li> </ul>	<p>(Attachment 1)</p>
<p>7. <del>Board to Board Presentation, School Board Chairman.</del></p> <ul style="list-style-type: none"> <li><b>REMOVED</b> from agenda.</li> </ul>	
<p>8a. Presentation: Hillsdale Drive Extension Locator Study.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, by a vote of 5:1, the attached resolution supporting Alternative C with addition of condition #9. "Every effort should be made by the City of Charlottesville to continue network and interchange improvements south of Hydraulic Road" and condition #10. "Every effort should be made to complete the Meadow Creek Parkway prior to completion of this</li> </ul>	<p><u>Clerk:</u> Forward resolution to Juan Wade and copy to City Council.  (Attachment 2)</p>

project”.	
<p>8b. Transportation Matters not Listed on the Agenda.  <u>Jim Utterback:</u></p> <ul style="list-style-type: none"> <li>• Brought attention to the new format of the VDOT monthly report.</li> <li>• The guardrail on Dry Bridge Road should be installed sometime after the week of April 11<sup>th</sup>.</li> <li>• The District office received the right-of-way files from the County on the Georgetown Road Project and they have been incorporated into the digital aerial photography. VDOT is now looking at putting in the recommendations from the 1994 Steering Committee. Once VDOT gets to that point, will look at trying to set up an informational meeting. They should have something in the next month or two. Mr. Rooker stated that VDOT has not reprogrammed the funds from Old Ivy Road to the Georgetown Road Project. Mr. Utterback said he will follow-up on that.</li> <li>• Said Southern Parkway is moving forward based on the discussions and meetings he has had with the Local Assistance Division. He will update the status again next month.</li> <li>• VDOT received the proffers for North Pointe and met with County staff.</li> <li>• Traffic study requested on Rio Road and Dunlora Subdivision is not final. He has talked with the Traffic Engineer and it does not look like a traffic signal is warranted right now but he has not received the final report.</li> <li>• Regarding the request from Mr. Wyant about water on Albemarle Lake Road, the ditches were cleaned and shoulders cut.</li> <li>• VDOT took a look at Crozet Shopping Center but have not found the water problem mentioned at the March 2<sup>nd</sup> meeting. Will continue to keep an eye on that situation.</li> <li>• VDOT has added some stone at the west entrance on Mt. Moriah Church.</li> <li>• VDOT still looking at the intersection of Route 614 and Garth Road.</li> <li>• At the March 2<sup>nd</sup> meeting, there was a discussion about changing the wording on the Mint Springs Valley Park sign. It was changed by VDOT but not exactly as the Board requested. Board members said they did not have a problem with the new sign.</li> <li>• “Parking by Permit Only” signs were installed March 11<sup>th</sup> on the land VDOT owns at the I-64/Ivy Interchange.</li> <li>• Talked to the Traffic Engineer about the entrance to Brownsville School at night. Will need to work with the County to address the lighting issue. Mr. Wyant suggested looking at striping.</li> <li>• Work on Blenheim Road is scheduled to be completed later this spring.</li> </ul>	<p><u>Clerk:</u> Forward comments to VDOT.</p>

<ul style="list-style-type: none"> <li>• Curve warning signs were installed on Route 743 March 9<sup>th</sup>. VDOT Traffic Engineer said accident data did not support reducing the speed at this time.</li> <li>• Updated the Board on the Route 640 project in Albemarle and Greene Counties. The bids were over \$300,000 higher than VDOT engineers estimated. VDOT is going back to look at other options for the project.</li> <li>• Provided update on slurry applications.</li> </ul> <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> <li>• Asked for a status report on Via Lane and Mosby and Old Trail Bridges.</li> <li>• Requested someone take a look at sight distances at the Meadows.</li> <li>• Asked VDOT to install some signage coming into Crozet (what he calls Buck Mountain Road) indicating a dangerous curve.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Mentioned that residents have expressed an interest in designating Plank Road as a Virginia Scenic Highway.</li> <li>• Asked if staff received a letter from CATEC regarding the Meadow Creek Park way. Mr. Rooker commented that VDOT design staff addressed most of those issues several weeks ago with City and VDOT staff. Mr. Rooker asked that Mr. Utterback get a copy of the letter.</li> <li>• Asked what Greene County was commemorating with Emily Couric Markers. Mr. Utterback stated they wanted to dedicate a bridge to her.</li> </ul> <p><u>David Bowerman:</u></p> <ul style="list-style-type: none"> <li>• Asked that the pothole crew be sent out to Westmoreland Road/Old Brook Road.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>• Thanked VDOT for installing the guardrail on Route 20 North just past Darden Towe Park.</li> <li>• Asked if there was anything that would impact the buildings behind the market on Route 22/250 during the intersection improvements. Mr. Cilimberg said he is familiar with the plans and there is nothing that would impact the buildings that staff is aware of.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• Said he received a copy of a letter from the Town of Scottsville requesting the Board move forward as soon as possible on improvements at the Hardware Street/Valley Street and Warren Street/Valley Street intersections in Scottsville. Asked about the status of the project. Mr. Utterback said the project is in the Six Year Secondary Road Program but very low on the priority list. VDOT is trying to get it moved up and money allocated to it.</li> </ul>	<p><u>Clerk:</u> Send copy of CATEC letter to Jim Utterback at VDOT.</p>
<p>9. Presentation: ArtInPlace Program.</p> <ul style="list-style-type: none"> <li>• <b>PRESENTED</b> by Blake Hurt, a representative</li> </ul>	

	from ArtInPlace.	
10.	Albemarle First Bank-Central Sewage System Request, Appeal of Planning Commissions decision. <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 5:1, to find the request consistent with the Comprehensive Plan.</li> </ul>	<u>David Benish</u> : Notify applicant.
11.	Albemarle First Bank-Central Sewage System Request. <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, subject to six conditions.</li> </ul>	<u>David Benish</u> : Set out conditions of approval and notify applicant. (Attachment 3)
12.	FY 2005 Budget Amendment. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> FY 2005 Budget Amendment in the amount of \$3,783, 253.56.</li> <li>• <b>APPROVED</b> FY 2005 Appropriations #2005046, #2005047, #2005049, #2005050, and #2005051.</li> </ul>	<u>Clerk</u> : Forward signed appropriation forms to Richard Wiggans, OMB and copy appropriate individuals.
13.	Information on State Solicitation Legislation. <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> of Board to pursue legislation.</li> </ul>	<u>County Attorney</u> : Proceed as directed.
14.	Closed Session: Personnel and Legal Matters. <ul style="list-style-type: none"> <li>• At 11:50 a.m., the Board went into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions.</li> </ul>	
15.	Certified Close Session. <ul style="list-style-type: none"> <li>• At 1:55 p.m., the Board reconvened into open session and certified the closed session.</li> </ul>	
16a.	Vacancies/Appointments. <ul style="list-style-type: none"> <li>• No action taken.</li> </ul>	
16b.	Proposed Term Limits. <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> until June 1, 2005.</li> </ul>	<u>Clerk</u> : Contact Chairs of boards, committees, and commissions regarding proposed term limits. <u>Clerk</u> : Schedule on June 1st agenda.
17.	SP-2004-031. Gym at Seminole Place (Signs#14&15). <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-031, by a vote of 6:0, subject to the five conditions recommended by staff and the Planning Commission with the addition of condition #6: "The permit shall remain valid if the use is commenced within five years."</li> </ul>	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
18.	SP-2004-056. Meadowgate Farm Home Occupation-Class B (Signs #44&53). <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-0056, by a vote of 6:0, subject to the one condition recommended by the Planning Commission.</li> </ul>	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
19.	SP-2004-059. Toad Hollow Farm Horse Show (Sign #30). <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-059, by a vote of 6:0, subject to the eight conditions recommended by the Planning Commission with condition #8 being modified (changed from 3 events to 4).</li> </ul>	<u>Clerk</u> : Set out conditions of approval. (Attachment 4)
20.	From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas</u> : <ul style="list-style-type: none"> <li>• Commented on the April 18<sup>th</sup> water meeting with State and Federal regulators. Indicated</li> </ul>	

<p>that she and Mr. Wyant have been working on a list of questions to be addressed. Mr. Rooker said he has provided Tom Frederick with his list of questions.</p> <ul style="list-style-type: none"> <li>Offered <b>motion</b> which was <b>seconded</b> by Mr. Boyd that the Chairman request City Council and the Rivanna Water and Sewer Authority to remove the settlement condition for the Ivy Landfill regarding opposition to permits sought by Rivanna in reference to cell #4. Motion <b>PASSED</b> by a vote of 6:0.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>Discussed the restructuring of the Rivanna Water Sewer Authority Board. <b>CONSENSUS</b> of the Board that Mr. Tucker talks with Gary O'Connell, City Manager, about restructuring of RWSA. Ms. Thomas said she would contact Liz Palmer of the League of Women Voters, to provide Board members with a copy of the Darden Study Report prior to Board meeting.</li> </ul> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>Members of the Historic Preservation Committee feel they need more direction from the Board. <b>CONSENSUS</b> that the committee makes a presentation to the Board along with a presentation from Cate Wyatt.</li> <li>Mentioned that the Lewis &amp; Clarke celebration is this year.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>Meeting on Meadow Creek Parkway with Commissioner of Transportation and VDOT representatives has been moved to April 18<sup>th</sup> at 9 a.m. Originally scheduled to be held in Room 235, but may be at COB-South. Mr. Tucker will send an email on the location.</li> </ul> <p><u>Larry Davis:</u></p> <ul style="list-style-type: none"> <li>Reminded Board members that if more than two participate in the Meadow Creek meeting or the meeting with regulators on April 18<sup>th</sup>, the Board will need to adjourn to the meeting date, time and place at tonight's meeting.</li> </ul>	<p><u>Clerk:</u> Schedule League of Women Voters on future agenda.</p> <p><u>Clerk:</u> Schedule Cate Wyatt of Hallowed Ground and Chairman of Historic Preservation Committee on a future agenda.</p>
<ul style="list-style-type: none"> <li>The Board recessed at 2:45 p.m.</li> </ul>	
<ul style="list-style-type: none"> <li>The Board was called back to order at 6:08 p.m. by the Chairman.</li> </ul>	
<p>21. Public Hearing to receive comments on Proposed Operating and Capital Budgets for FY 2005/2006.</p> <ul style="list-style-type: none"> <li><b>HELD</b> the public hearing. Mr. Rooker stated the Board will be meeting again April 20<sup>th</sup>, 6:00 p.m. in Room 241 to vote on the budget and tax rate.</li> </ul>	
<p>22. Public Hearing on Proposed FY 2005 Tax Rate.</p> <ul style="list-style-type: none"> <li><b>HELD</b> the public hearing.</li> <li><b>Motion</b> was offered Mr. Boyd, second by Mr. Wyant to reduce the tax to .72 cents per \$100. <b>Motion FAILED</b> by a vote of 4:2.</li> </ul>	
<p>23. Adjourn to April 18, 2005, 10:30 a.m., COB-5<sup>th</sup> Street.</p>	

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| <ul style="list-style-type: none"><li>• The meeting was adjourned at 8:33 p.m.</li></ul> |  |
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/djm

Attachment 1 – Proclamation recognizing April 2005 as Fair Housing Month.

Attachment 2 – Resolution to Approve Alternative C For Hillsdale Drive Extension

Attachment 3 – Albemarle First Bank-Central Sewage System Request

Attachment 4 – Conditions of Approval – SP-2004-031, SP-2004-056, and SP-2004-059

**FAIR HOUSING MONTH**

**WHEREAS,** *April 2005, marks the thirty-seventh anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and*

**WHEREAS,** *the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and*

**WHEREAS,** *vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and*

**WHEREAS,** *illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;*

**NOW, THEREFORE, BE IT RESOLVED,**

*that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming*

**APRIL, 2005**

**as**

**FAIR HOUSING MONTH**

*and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.*

**RESOLUTION TO APPROVE  
ALTERNATIVE C FOR  
HILLSDALE DRIVE EXTENSION**

**WHEREAS**, a Location Public Hearing was conducted on November 4, 2004 in the City of Charlottesville by representatives of the City of Charlottesville, County of Albemarle, the Steering Committee, and the Commonwealth of Virginia Department of Transportation after due and proper notice for the purpose of considering the proposed location of the Hillsdale Drive Extension Project U000-104-119, PE101, R201, C501 in Albemarle County and the City of Charlottesville, at which hearing aerial photographs, drawings and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

**WHEREAS**, all persons and parties in attendance were afforded full opportunity to participate in said hearing; and

**WHEREAS**, representatives of the County of Albemarle were present and participated in said hearing; and

**WHEREAS**, the Board has previously requested the Virginia Department of Transportation to program this project; and

**WHEREAS**, the Board considered all such matters;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the location of the proposed project under the "Alternative C" alignment as presented at the Public Hearing subject to the following conditions:

1. The safety of those working and living in, using the services of and traveling through the area are of the utmost importance and design features incorporated into the roadway must enhance and promote its function as a local, low speed (posted a 25 mph) road which is user friendly to motorists, pedestrians, bicyclist and transit as well as those using other modes of mobility.
2. A community workshop program must be developed by the Steering Committee so the citizens of the area have the opportunity to provide input about the project and to comment on design features.
3. Any loss in the number of parking spaces presently existing in the vicinity of the Senior Center, Jordan Building, Laurels, or Pepsi Plant, or on the street at Pepsi Place must be replaced in any build alternative.
4. Sidewalks and bike/multi-use trails will be provided throughout the project and should connect with and include safety features similar to those being implemented on Hillsdale Drive north of its intersection with Greenbrier Drive.
5. The possibility of separated bike paths/multi-use trails and/or alternative-vehicle paths should be thoroughly investigated, particularly in the area east of the Senior Center, the Jordan Building and the Pepsi Plant.
6. Traffic calming and traffic control features should be incorporated into the design to promote a safe, low speed facility and encourage its use as a local road and not as a bypass to Route 29.
7. Design features such as landscape/streetscape, lighting, etc. that will promote the Route 29/H/250 Phase 2 Report vision for the area should be utilized where feasible.

8. Every effort should be made to protect the view shed, watershed and natural features of the impacted area (including the Rivanna Trail) as part of the design and construction of any build alternative.
9. Every effort should be made by the City of Charlottesville to continue network and interchange improvements south of Hydraulic Road.
10. Every effort should be made to complete the Meadow Creek Parkway prior to completion of this project.

**Albemarle First Bank-Central Sewage System**

1. Virginia Department of Health approval for the construction and the operation of the pump and sewerage system modifications prior to the Zoning Administrator approval of any building permit and/or zoning clearance for the subject property.
2. Virginia Department of Health confirmation that the total sewerage flow to the system will not exceed the capacity of the three septic fields prior to the Zoning Administrator approval of any building permit and/or zoning clearance for the subject property. The three (3) septic fields are currently rated by VDH at 630 gpd, 500 gpd and 500 gpd for a total of one thousand six hundred thirty (1630) gallons per day.
3. Virginia Department of Health approval of “inspection ports” installed on the existing septic tanks serving the Tea Room/Restaurant building (per 12VAC5-610-817.B.), prior to the Zoning Administrator approval of any building permit and/or zoning clearance for the subject property
4. Annual inspection of the septic tanks by a septic system maintenance professional, possessing a valid “sewage handling” permit issued by the Virginia Department of Health, for the accumulation of solids and the need for pumping and cleaning. This professional shall submit an inspection report to the County Engineer addressing the amount of accumulated solids found in the tanks; the general condition of the tanks, lines, and pumping system; and recommendations for ongoing maintenance of the system to assure its continued operation.
5. Pumping and cleaning of the septic tanks at least every five (5) years or more frequently as determined necessary by the septic system maintenance professional and/or the County Engineer based on the annual inspections noted in condition #4 above. The owner shall provide documentation of the completed maintenance to the County Engineer and Zoning Administrator.
6. The system shall be limited to no more than five (5) users.

**SP-2004-031. Gym at Seminole Place (Signs #14&15).** Public hearing on a request to allow establishment of indoor gym in accord w/Sec 27.2.2(15) of the Zoning Ord, which allows for indoor athletic facilities in LI Dist. TM 61W Sec 3, P 18 contains 25.4 acs. Znd LI & EC. Loc on S side of Greenbrier Dr (Rt 866) in former Comdial bldg, on W side of Seminole Trail (Rt 29 N). Rio Dist.

1. This Special Use Permit (SP 2004-031) for an indoor athletic facility is granted for up to sixty thousand (60,000) square feet of area within the existing physical building itself and not simply the footprint of the building. Any enlargement of the area of use beyond the sixty thousand (60,000) square feet will require amendment of this Special Permit;
2. The indoor athletic facility shall have no more than three thousand five hundred (3500) members;
3. Pedestrian access shall be provided along at least one (1) side of the existing entrance road from Greenbrier Drive to the site, as shown on the attached concept plan submitted as part of the Special Use Permit application (dated September 3, 2004, revised March 24, 2005 and initialed by TRS). The pedestrian path shall consist of striping of a pedestrian way on the street or shoulder of the existing entrance road, if approved by VDOT, or a concrete or asphalt path meeting the standards in the Design Standards manual. The pedestrian path shall be in place prior to the issuance of a Certificate of Occupancy for the indoor athletic facility;
4. The existing driveway access to the site from Commonwealth Drive shall be upgraded as necessary to accommodate two-way traffic, to the satisfaction of the County Engineer;
5. The gated access to the site from Commonwealth Drive shall remain open during all hours the indoor athletic facility is open for business; and
6. The permit shall remain valid if the use is commenced within five (5) years.

**SP-2004-056. Meadowgate Farm Home Occupation—Class B (Signs #44&53).** Public hearing on a request to allow Home Occupation Class B w/up to 2 employees for an office, in accord w/Sec 10.2.2.31 of the Zoning Ord, which allows for Home Occupations Class B. TM 120, P 22, contains 109 acs. Znd RA. Lloc at 7060 Esmont Farm, approx .20 miles from intersec of Esmont Rd (Rt 715) and Alberene Rd (Rt 719). Scottsville Dist.

1. No accessory structures shall be used for this home occupation.

**SP-2004-059. Toad Hollow Farm Horse Show (Sign #30).** Public hearing on a request for horse show grounds, permanent, in accord w/Sec 10.2.2.12 of the Zoning Ord which allows for horse show grounds, permanent in the RA by SUP. TM 41, P 15A, contains approx 36 acs. Loc at 4333 Cannon Brook Way, on E side of Browns Gap Turnpike (Rt 680), approx 2 mls S of White Hall. Znd RA. White Hall Dist.

1. The horse show use shall be conducted in general accord with the concept plan, titled "Toad Hollow Farm" and labeled as "Attachment B";
2. There shall be no outdoor amplified sound system for events;
3. There shall be no overnight camping;
4. All exterior light fixtures shall be full cutoff luminaries and fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads;
5. Prior to the issuance of a Zoning Clearance for the horse show use, the applicant shall provide sight distance at Cannon Brook Way and Route 680 (Browns Gap Turnpike) to the satisfaction of the Virginia Department of Transportation;
6. Subject to the approval of the County Engineer, prior to the issuance of a Zoning Clearance for the horse show use and to provide safe and convenient access to the site, the applicant shall provide a minimum of two (2) gravel pull-offs along Cannon Brook Way to allow two (2) vehicles to pass safely. The applicant shall also provide two (2) **DO NOT ENTER** signs and one (1) **ONE WAY** sign placed at locations specified by the County Engineer along Cannon Brook Way;
7. The number of horse show events shall be limited to six (6) per year. The maximum number of participants and attendees at any single event shall be eighty (80); and

8. The number of events, other than horse show events, shall be limited to four (4) per year and the maximum number of participants and attendees at any single event shall be limited to forty (40). These events shall not utilize the pastures for parking.