

ACTIONS
Board of Supervisors of December 14, 2005
6:00 P.M., Meeting Room 241

December 16, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:07 p.m. by the Chairman, Mr. Rooker. All BOS members were present (note: Mr. Boyd arrived at 6:10 p.m.). Also present were Bob Tucker, Larry Davis, V. Wayne Cilimberg and Debi Moyers. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Rhett Ripplinger, coordinator of the Rivanna Citizens' Committee, spoke. He said the committee represents the nearly 2,000 citizens living and owning land in the Village of Rivanna designated growth area. In general, the citizens think that the Comprehensive Plan and the Neighborhood Model should be followed by the Board. The citizens would like three things: to master plan the Village of Rivanna, the County accept the 27 acres proffered in 1990 and hold it in perpetuity for a school or other public use and arrange for their representation on the Planning Commission. Thanked Mr. Bowerman for his public service. • Tom Loach, a resident of Crozet, said he would like to respond to the Board's discussion at the last meeting on the status of the growth areas, master planning and the neighborhood model. Stated the process of developing the Crozet Master Plan is not the problem. It is the implementation of the plan that lies at the heart of the complaints. In short, it is the Board's inability to respond to the changes required to make the plan work. • Jeff Werner spoke on behalf of the Piedmont Environmental Council. Asked the Board to become directly involved in the Gardner Landfill situation in Cismont. He also spoke about the debate last week on the Neighborhood Model. Said it is inaccurate to blame the Model for growth or for the community's anxiety over that growth. Said the perpetuation of the myth that the Model creates unaffordable housing must stop. Said the Model does not force a developer to submit a plan that would not work and that undue delays are not a unique result of the Model. • John Martin, who lives in Free Union and is a member of the Friends of the Moorman's River, said constitutional democracies would not work at all without fine, dedicated service of persons like Mr. Bowerman. As a citizen, he would like to sincerely express his gratitude for all the service he has provided the community over the 	

<p>sixteen years as a member of the Board of Supervisors.</p> <ul style="list-style-type: none"> The following people/organizations recognized and expressed gratitude to David Bowerman: Liz Palmer, League of Women Voters; Steven Meeks, Thomas Jefferson Soil & Water Conservation District; Jack Marshall, Advocates for a Sustainable Albemarle Population; David Toscano, Delegate-Elect and former City Councilman; Jerry McCormick Ray, Citizens of Albemarle; Leslie Middleton, Citizen of Charlottesville and the Ivy Creek Foundation; Kay Slaughter, former City Councilwoman, Southern Environmental Law Center; Marcia Joseph, Planning Commission member; Rodney Thomas, Planning Commission member; Jeff Werner, Piedmont Environmental Council; and Sherry Buttrick, Virginia Outdoors Foundation. Mr. Bowerman said he will never forget the sentiments that everyone has expressed tonight. Said it has been a good twenty-six years and would not have missed it for the world. Thanked everyone including his wife, Mimi. 	
<p>5.2 Resolution approving the issuance of revenue bonds by the Industrial Development Authority of the City of Charlottesville in the amount not to exceed \$2,850,000 to assist the Recording for the Blind & Dyslexic, Inc.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward signed resolution to McGuire Woods. (Attachment 1)</p>
<p>5.3 Set public hearing for January 11, 2006 to receive input on potential projects for Community Development Block Grant.</p> <ul style="list-style-type: none"> SET public hearing for January 11, 2006. 	<p><u>Clerk:</u> Advertise and schedule on January 11, 2006 agenda.</p>
<p>6. SP-2005-022. Berean Baptist Church Minor Amendment (Sign #72).</p> <ul style="list-style-type: none"> APPROVED SP-2005-022, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission with the following conditions being modified at the meeting. Condition number 1, remove the word concept and change date to August 22, 2005. Condition number 2, Change floor plan to floor area. Condition number 3, remove the word application and change date to August 22, 2005. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 2)</p>
<p>7. SP-2005-023. Ford, Linda – Alltel Tier III PWSF (Sign #77).</p> <ul style="list-style-type: none"> APPROVED SP-2005-023, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 2)</p>
<p>8. Public hearing: FY 2006/07-FY 2011/12 Six Year Secondary Road Program.</p> <ul style="list-style-type: none"> HELD. Ms. Thomas pointed out that on page 6 of Attachment A, "712 North Garden Lane", which is to be paved as part of 712 between Route 	<p><u>Clerk:</u> Forward comments to Wayne Cilimberg/David Benish/Juan Wade.</p>

<p>713 and Route 795, sounds logical on paper but 712 North Garden Lane is near North Garden and the 712 Coles Rolling Road not Russet Road up above it is near Scottsville. The two projects would not make sense to combine together. They are many miles apart.</p> <ul style="list-style-type: none"> • Ms. Thomas said her urban constituents in the Sunset Avenue/Old Lynchburg Road often tell her how terrible the impact is of the new developments on Sunset Avenue. By next year, she would like to have a new traffic count on Sunset Avenue. • Mr. Wyant, after the public hearing, said he will contact VDOT regarding Route 736, White Mountain Road which has been addressed today as too narrow and dangerous. • Mr. Boyd asked about the possibility of dividing Doctor's Crossing into multiple projects that might allow the County to fund part of it. Mr. Cilimberg said he will talk to VDOT about that. • Mr. Rooker asked if the other Board members had received information on the Transportation Partnership Opportunity Fund Guidelines and Criteria. There may be some opportunity for the County to apply for a grant or an interest free loan this year. Asked the Clerk to make copies and distribute to other Board members. 	<p><u>Clerk:</u> Proceed as directed.</p>
<p>9. From the Board: Matters Not Listed on the Agenda. <u>David Wyant:</u></p> <ul style="list-style-type: none"> • Brought up the closing of the Brown's Gap Turnpike as a public road. Mr. Davis said this proposal has been again offered by that property owner in relation to an application for an ACE easement for that property. The issues are basically the same as they were 15 years ago. Mr. Wyant said the ACE Committee wanted to move ahead if the applicant wanted to continue with the application without the closure of the road. Said he cannot get an agreement between that property owner and the other property owners. Said he is not interested in having staff do a report and bringing to a public hearing. Mr. Bowerman said unless the circumstances have really changed, you would not get a consensus. • Talked about small businesses out in the rural area and the issues the Board will be facing as they deal with the County's rural plan. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Brought up letter from Margaret Marsh concerning the number of homeless dogs and cats in Virginia and her recommendations. Asked if the Board members had any interest in. Mr. Davis stated a lot of the suggestions are about collecting the maximum fine; the fines are at the discretion of the judge and the judge may or may not choose to enforce the maximum fine. Said the County has struggled with the 	

<p>increased enforcement issue. The allocation of resources to enforce the animal laws has been a topic of ongoing discussion.</p> <ul style="list-style-type: none"> Spoke about the meeting she attended last week. A lot of it had to do with how we are going to finance to clean up the waters in the Chesapeake Bay. It is going to be an expensive proposition. Said the Governor is proposing more money for the point sources. She will keep the Board informed. <p><u>David Bowerman:</u></p> <ul style="list-style-type: none"> Said this will be the last time he will be in this one room and meet and be with everyone. He will miss everyone. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> He said some people misunderstood what he was trying to say last week regarding Neighborhood Model issues. Was going to address tonight but will save for discussion at an upcoming meeting. 	
<ul style="list-style-type: none"> Non-Agenda. <ul style="list-style-type: none"> At 7:35 p.m., the Board went into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under subsection (7) to discuss with legal counsel and staff specific legal issues regarding an interjurisdictional agreement for joint court facilities and the negotiation of a related contract. At 8:10 p.m., the Board reconvened into open session and certified the closed session. 	
<p>10. Adjourn to December 15, 2005, 3:00 p.m., for Joint Meeting with Legislators.</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:10 p.m. 	

/djm

Attachment 1 – Resolution approving the issuance of revenue bonds by the Industrial Development Authority of the City of Charlottesville in the amount not to exceed \$2,850,000 to assist the Recording for the Blind & Dyslexic, Inc.

Attachment 2 – Conditions of Approval for Planning Items.

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (the "Authority"), has been asked by Recording for the Blind & Dyslexic, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond by the Industrial Development Authority of the City of Charlottesville, Virginia (the "Charlottesville Authority") in an amount not to exceed \$2,850,000 ("Bond") to assist the Company in financing the acquisition, construction and equipping of a new headquarters facility for the Company's Regional Unit of the Virginias and Carolinas, to house its regional administrative offices and recording facilities consisting of approximately 11,650 square feet ("Project") to be located on Greenbrier Drive just west of Route 29 in the County of Albemarle, Virginia, and has held a public hearing on December 8, 2005;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bond; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bond by the Charlottesville Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the resolution adopted by the Charlottesville Authority and approves the issuance of the Bond by the Charlottesville Authority for the benefit of the Company as required by Section 15.2-4905 of the Act.
3. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.
4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Albemarle, Virginia this 14th day of December, 2005.

SP-2005-022. Berean Baptist Church Minor Amendment (Sign #72). Public hearing on a request to allow expansion of existing church in accord w/Sec 13.2.2.10 of the Zoning Ord which allows churches in R-1. TM 76 P 51B contains 4.0 acs. Loc at 1284 Sunset Ave in the ECOD. Samuel Miller Dist.

1. The improvements and the scale and location of the improvements shall be developed in general accord with the plan dated August 22, 2005;
2. The floor area of the proposed addition will be no larger than fifty-one hundred (5,100) square feet;
3. The construction of the church expansion, as shown on the plan dated August 22, 2005 and titled Berean Baptist Church, shall commence within five (5) years of the approval of this special use permit or this special use permit shall expire;
4. There shall be no daycare center or private school provided on site without approval of a separate special use permit; and
5. Connection to public sewer or installation of septic system as approved by the Health Department prior to issuance of building permit.

SP-2005-023. Ford, Linda - Alltel Tier III PWSF (Sign #77). Public hearing on a request to allow replacement of existing 43-foot tall wooden power pole w/ new 53-foot tall wood pole that would allow co-location of personal wireless fac in addition to existing power lines. This application is being made in accord w/Sec [10.2.2.48] of the Zoning Ord which allows for Tier II personal wireless service fac in the RA district. TM 59 P 80C, contains 155.45 acs. Znd RA & EC. Loc adj to S side of Ivy Rd (Rt 250 W) across from intersec with Old Ballard Rd (Rt 677) & the Christian Aid Mission. Samuel Miller Dist.

1. The replacement power pole, antennas and ground equipment shall all be sized, located, installed and maintained in general accord with the site construction drawings of the facilities, structure elevations and schematic drawings, entitled "Alltel - Linda Ford Bucks", last revised November 7, 2005 and initialed SBW on November 8, 2005;
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site construction drawings of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed;
3. The top of the replacement pole antenna shall not exceed a height of fifty-three (53) feet above ground and elevation of seven hundred thirty-one (731) feet above sea level;
4. The replacement pole shall be of a color and finish that is consistent with the other existing poles that are to remain within the power line easement, and the antennas shall be painted to match that color and flat finish as well;
5. The ground equipment cabinets shall be painted a flat, natural dark brown color and/or screened in accordance with the requirements of the Architectural Review Board;
6. The gravel access road shall be screened from State Route 250 in accordance with the requirements of the Architectural Review Board;
7. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the

facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely the tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent;

8. The owner of the facility shall submit a report to the agent by no earlier than May and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report; and
9. Certification by a registered surveyor stating the height of the replacement pole, measured both in feet above ground level and in elevation above mean sea level, and using the benchmarks or reference datum identified on the construction plan shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy.