

ACTIONS
Board of Supervisors Meeting of November 7, 2007

November 16, 2007

<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 9:04 a.m., by the Chairman, Mr. Boyd. All BOS members were present, with David Slutzky arriving at 10:12 a.m. Also present were Bob Tucker, Larry Davis, Ella Jordan, and Meagan Hoy. 	
<p>4. Recognitions:</p> <p>a. Award recognizing the County of Albemarle as a "Commuter Friendly Employer."</p> <ul style="list-style-type: none"> • Presentation by Rhonda Edmonds. <p>b. Diana Strickler – Route 250 West Task Force.</p> <ul style="list-style-type: none"> • Certificate presented by Chairman. 	
<p>5. From the Board: Matters Not Listed on the Agenda. <u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • Asked when a work session on infrastructure is scheduled. Mr. Tucker advised that future infrastructure needs will be part of the CIP discussion on November 14th. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked that the Scheck's Branch Greenway to be continued to the County Office Building. • Thanked staff for their efforts in providing pins for the County's Sister County in Prato, Italy. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Asked staff to draft a letter to the Albemarle County Service Authority stressing the need to communicate with City Council when decisions are made regarding changes in water restrictions in the County. • Would like to propose a Cool Counties resolution to the Board in the next few weeks. • Asked staff if the designated growth area in the Comprehensive Plan will accommodate projected growth over the next 20 years. 	<p><u>Clerk:</u> Draft letter for Chairman's signature.</p>
<p>6. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Allison Mitchell, of Gilbert Station Road, asked the Board to pave the half mile gravel section that is between the two paved sections. • Harvey Wilcox, of Ivy, spoke about conservation easements. He asked that the County be diligent in monitoring the easements. He also asked that the Board discuss Turner Mountain Wood Subdivision on a future agenda. • Richard Selden discussed the development of Turner Mountain Wood Subdivision. He expressed concerns with the County's failure to monitor the terms of the conservation easement. • Rex Linville, of PEC, discussed several issues: Cool Counties initiatives, the County providing staff to support agricultural uses, and the need to monitor conservation easements. • Charles Martin, of the Public Education Fund, 	

<p>asked the Board to sponsor a table at the November 19th event being hosted by the Fund.</p> <p>CONSENSUS of the Board for Albemarle County to fund one table.</p> <ul style="list-style-type: none"> • Kip Newland, Treasurer of the Advanced Mills Village Homeowners Association, expressed concern about the pace at which the temporary bridge is coming along. • In response to concerns about the Turner Mountain Wood Subdivision and the conservation easement, Mark Graham commented that the PRFA is looking at a request for funding outside legal assistance. He plans to discuss this item with the Board when that request is ready to come forward. He then provided a status update. 	
<p>7.2 Set public hearing to consider adoption of an ordinance to amend County Code Appendix A.1, Acquisition of Conservation Easements Program, by amending Section A.1-107 (“Eligibility criteria”), Section A.1-108 (“Ranking criteria”), and Provision 2.B.3 (“Size of structures”) of the Deed of Easement</p> <ul style="list-style-type: none"> • SET public hearing to consider the proposed changes to the ACE Ordinance. 	<p><u>Clerk:</u> Schedule and advertise public hearing for December 5, 2007.</p>
<p>7.3 Resolution endorsing Monticello Area Domestic Violence Fatality Review Team.</p> <ul style="list-style-type: none"> • ADOPTED resolution endorsing the formation of the Monticello Area Domestic Violence Fatality Review Team. 	<p><u>Clerk:</u> Forward adopted resolution to Jon Zug, Assistant Commonwealth’s Attorney. (Attachment 1)</p>
<p>7.4 Requested FY 2008 Budget Appropriations.</p> <ul style="list-style-type: none"> • APPROVED the FY 2008 Appropriations #2008032, #2008033, #2008034, #2008035, #2008036, #2008037, #2008038, #2008039, and #2008040. 	<p><u>Clerk:</u> Forward copy of signed appropriation forms to OMB, Finance and appropriate individuals.</p>
<p>7.5 Fiscal Year 2008 County of Albemarle and State Health Department Local Government Agreement.</p> <ul style="list-style-type: none"> • APPROVED the Fiscal Year 2008 County of Albemarle and State Health Department Local Government Agreement and AUTHORIZED the County Executive to execute the Agreement. 	<p><u>Clerk:</u> Forward document to Bob Tucker and Lillian Peake for signatures. Maintain signed copy in Board files.</p>
<p>7a. Advance Mills Bridge Update.</p> <ul style="list-style-type: none"> • Allan Sumpter provided update. Hope to have temporary structure completed by the Spring of 2008. Formal public hearing scheduled in the Spring for the permanent bridge. Timeframe for completion of the permanent bridge is 2010-2011. 	
<p>7b. VDOT Monthly Report.</p> <ul style="list-style-type: none"> • RECEIVED. • Discussed the weight limit and condition of Free State Bridge (Route 651). The Railroad will be making repairs to improve the condition of the bridge. It could be out of service for up to three weeks. Board members asked for additional information on standards that are applied to bridge repairs. 	
<p>7c. Transportation Matters not Listed on the Agenda. <u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Asked to be notified of the Carrsbrook 	<p><u>Clerk:</u> Forward comments to VDOT.</p> <p><u>Juan Wade/Dave Benish:</u> Proceed as</p>

<p>neighborhood meeting on traffic calming.</p> <p><u>Sally Thomas</u></p> <ul style="list-style-type: none"> • Thanked Mr. Sumpter for the large signs in Batesville. <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • The roadway on Route 53, before the entrance to Monticello, is very narrow. He asked what safety measures could be undertaken. Mr. Sumptner said VDoT will discuss with Monticello the feasibility of making improvements to the curve. • On Route 721, near Oak Ridge Baptist Church, there is a section of unpaved roadway. Mr. Sumpter said they will look into it. • The residents of Glenmore want a stop light at the entrance to the subdivision. Mr. Sumpter advised that they can only install a traffic light if the intersection meets the warrants. VDoT will update its last study to see if it qualifies. <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> • Jarman's Gap has a scheduled advertisement date of November 2010. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Dan Eggleston will be contacting VDoT regarding getting a waiver from the Railroad to allow emergency vehicles to cross over Burnley Bridge. Asked for a report on any improvements that need to be made. Mr. Sumpter said VDoT will help facilitate in any way that they can. • Expressed concern with the schedule for the Georgetown Road project. He is concerned about the amount of money set aside if it takes 3-4 years to get the project going. Mr. Sumpter said VDoT will work on alternatives. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Asked about the stop sign on Polo Grounds Road. VDoT cannot remove the sign, as they did not put it up. 	<p>directed.</p>
<p>9. <u>Appeal: SUB-2007-102. Warthen Estates Preliminary Subdivision Plat.</u></p> <ul style="list-style-type: none"> • DEFERRED to December, 2007. 	<p><u>Clerk:</u> Schedule on December agenda.</p>
<p>10. Presentation: Poverty Work Group.</p> <ul style="list-style-type: none"> • Received. • DIRECTED staff to identify best practice programs other localities have used that worked well, and bring back to this Board, along with recommendations. Also, share this report with different community entities, such as our School System, the Health Department, Chamber of Commerce, (network for job advancement at low end of employment scale), and TJPED (Albemarle County has an interest in the lower wage entry level type jobs). 	<p><u>Kathy Ralston/Bryan Elliott:</u> Proceed as directed.</p>
<p>11. Defense Intelligence Agency (DIA) BRAC Relocation Program (Rivanna Station).</p> <ul style="list-style-type: none"> • Received. • DIRECTED staff to form a contact list, and requested that the environmental soil and erosion control measures that go above ordinance 	<p><u>Mark Graham/Lee Catlin:</u> Proceed as directed.</p>

	standards be sent to the agency.	
12.	Downtown Crozet Stormwater Management. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the concept of a regional approach to stormwater management for downtown Crozet and APPROVED staff proceeding with planning and land acquisition for the project. 	<u>George Shadman/Greg Harper</u> : Proceed as directed.
14.	Closed Session. <ul style="list-style-type: none"> • At 12:48 p.m., the Board went into closed session to consider appointments to Boards, Committees, and Commissions, and to consult with legal counsel and staff regarding specific matters requiring legal advice relating to an inter-jurisdictional agreement. 	
15.	Certify Closed Session. <ul style="list-style-type: none"> • At 2:00 p.m., the Board reconvened into open session and certified the closed session. 	
16.	Appointments. <ul style="list-style-type: none"> • APPOINTED David Cattell-Gordon to the Jefferson Area Disability Services Board as the local government representative. • APPOINTED Jan Ferrigan to the Natural Heritage Committee, with said term to expire September 30, 2011. • REAPPOINTED Burton Webb to the Board of Building Code Appeals, with said term to expire November 21, 2012. • REAPPOINTED Burton Webb to the Fire Prevention Code of Appeals, with said term to expire November 21, 2012. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, update webpage, and notify appropriate persons.
17.	<u>To consider granting water line easement to the Albemarle County Service Authority – Idlewood Drive, Tax Map 045B1.</u> <ul style="list-style-type: none"> • APPROVED the proposed easement and AUTHORIZED the County Executive to sign the deed of easement on behalf of the County after the agreement has been approved by the County Attorney with any necessary changes. 	<u>County Attorney's office</u> : Forward document to County Executive's office for signature after it has been signed by the ACSA, and provide Clerk's office with fully executed copy of deed. (Attachment 2)
18.	<u>SP-2007-0034. First Church of the Nazarene – Church.</u> <ul style="list-style-type: none"> • DEFERRED to December 2007. 	<u>Clerk</u> : Reschedule on agenda when applicant ready to come back before the Board.
	Recessed at 3:29 p.m., and Reconvened at 3:42 p.m.	
19.	<u>Work Session: 5th Street Avon Center rezoning (ZMA-2006-009).</u> <ul style="list-style-type: none"> • HELD. Consensus of Board that staff work with the applicant on the plans and proffers, and then schedule the request for public hearing when ready. 	<u>Clerk</u> : Advertise and schedule for public hearing when ready to come back before the Board.
21.	From the Board: Committee Reports. <u>David Slutzky</u> : <ul style="list-style-type: none"> • Discussed whether the County wants to allow the subdivision, and building on, of parcels where there is no private road. Mark Graham suggested staff make a presentation to the Board to address the issues that were raised. • Discussed consideration of increasing the time between receiving Board packets and the Board 	<u>Mark Graham</u> : Notify Clerk when ready to go on future agenda.

meeting so that they would have more time in which to review the information.

- Discussed consideration of dedicating a full time employee to Board members to help them gather information.

Sally Thomas:

- Provided update on Rivanna River Basin Commission. Presentation will be coming to the Board in the near future.
- Planning District Commission will be having a Strategic Planning retreat at the end of this month.
- The Historic Preservation Committee will be looking at Crozet and the area around the proposed library to make sure historic preservation concerns are factored in.
- The Lewis and Clark Board are working on an enhancement grant project with VDOT, and are looking at pedestrian ferry across the Rivanna River to get between the two parks.
- The League of Women Voters Natural Resources Committee will be discussing “why water bills are going up” on Tuesday, November 13th, 6:30 p.m., COB-5th Street. Tom Frederick will be the main speaker.
- Provided update on the Local Government Advisory Commission to the Chesapeake Bay Program.
- The AIDS Services Group Board has a multi-year grant to deal with drug users in the community.

David Wyant:

- Demolition is moving forward on the Harris property in Crozet.

Lindsay Dorrier:

- Mentioned that the VACO Annual Meeting starts this weekend.

Bob Tucker:

- Asked for clarification of the Board's action on the Public Education Fund request brought forward by Charles Martin. **Consensus** that the County would fund one table.
- The Rivanna Solid Waste Authority will hold two community meetings on its Strategic Plan - Thursday, November 15, 6:00 p.m., and Tuesday, December 4, 6:00 p.m., City Council Chambers.
- Board members have received a survey from the Thomas Jefferson Partnership for Economic Development regarding their future plans.

Ken Boyd:

- Mentioned the length of time various agenda items are taking, and suggested that more thought be given to the amount of time given to the items. Bob Tucker commented that this is one of the issues that will be discussed at the December 14th Board session.

27. Adjourn to November 14, 2007, 3:30 p.m.

- The meeting was adjourned at 6:27 p.m.

/ewc

Attachment 1 - Resolution - Monticello Area Domestic Violence Fatality Review Team
Attachment 2 – ACSA easement

**RESOLUTION ESTABLISHING
THE MONTICELLO AREA DOMESTIC VIOLENCE
FATALITY REVIEW TEAM**

WHEREAS, family and intimate partner violence has destructive consequences upon individuals and families within Albemarle County and surrounding localities; and

WHEREAS, careful examination of family and intimate partner fatalities can help prevent similar tragedies from recurring; and

WHEREAS, a thoughtful and non-judgmental method of evaluating the events that lead to family and intimate partner fatalities will create a safer community; and

WHEREAS, the General Assembly enacted *Virginia Code* § 32.1-283.3 to permit localities to establish Family Violence Fatality Review Teams “to examine fatal family violence incidents and to create a body of information to help prevent future family partner fatalities”;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that the Monticello Area Domestic Violence Fatality Review Team is hereby established as a multi-jurisdictional family violence fatality review team pursuant to *Virginia Code* § 32.1-283.3; and

BE IT FURTHER RESOLVED, that the Monticello Area Domestic Violence Fatality Review Team shall have the authority to review the facts and circumstances of all fatal family violence incidents that occur within Albemarle County and other participating localities; and

BE IT FURTHER RESOLVED, that the Monticello Area Domestic Violence Fatality Review Team initially shall also include the City of Charlottesville and may later include additional participating localities; and

BE IT FURTHER RESOLVED, that the Monticello Area Domestic Violence Fatality Review Team will engage agencies, organizations and systems which provide services to victims and perpetrators to identify possible gaps as well as best practices in system responses and provide for increased communication and collaboration amongst the agencies involved; and

BE IT FURTHER RESOLVED, that the Monticello Area Domestic Violence Fatality Review Team will operate under the assumption that all persons and agencies are committed to and care deeply about preventing violence within the family and intimate partner relationships and operate in good faith, using best judgment and information available at the time; and

BE IT FURTHER RESOLVED, that the Monticello Area Domestic Violence Fatality Review Team will offer recommendations to benefit our community and improve our public safety; and

BE IT FURTHER RESOLVED, that pursuant to *Virginia Code* § 32.1-283.3 the membership of the team shall include, but not be limited to, representatives from the criminal justice system, the advocacy community, the academic and public policy field, the health care community, and the mental health and social services community.

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map 45B1 (Clarke Lane right-of-way)

This deed is exempt from taxation under Virginia Code §§ 58.1-811(A)(3) and 58.1-811(C)(4).

DEED OF EASEMENT

THIS DEED OF EASEMENT, is made and entered into on this _____ day of _____, 2007, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a political subdivision of the Commonwealth of Virginia, Grantee, whose address is 168 Spotnap Road, Charlottesville, Virginia, 22911, hereinafter referred to as the "ACSA".

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY to the ACSA, subject to the terms and conditions set forth herein, a permanent easement and right-of-way (hereinafter, the "Easement") to construct, install, maintain, repair, replace and extend a water line consisting of pipes and appurtenances thereto, over, under an across the real property of the County known as Clarke Lane in the Carrsbrook Subdivision in Albemarle County, Virginia, and more particularly described as follows:

A permanent water line easement in the public right-of-way known as Clarke Lane, located off of Highview Lane in Albemarle County, Virginia, as shown on the plat of the Albemarle County Service Authority, dated June 21, 2007 (the "Plat"), identified as "20' Waterline Esmt. (Hereby Granted)"; the said roadway shown as Clarke Lane is on a plat of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 361, page 127.

Reference is made to the Plat, a copy of which is attached hereto to be recorded herewith, for the exact location and dimensions of the permanent easement hereby granted and the property over which the Easement crosses.

This Easement shall be subject to the following:

1. Location of Improvements. The ACSA shall construct, install, maintain, repair, replace and extend the water line pipes and appurtenances thereto (hereinafter, the "Improvements") only within the Easement. The Improvements shall be underground.
2. Right to Enter: Ingress and Egress. The ACSA shall have the right to enter upon the Easement for the purpose of installing, constructing, maintaining, repairing, replacing and extending the Improvements within the Easement. The ACSA also shall have the right of ingress and egress thereto as reasonably necessary to construct, install, maintain, repair, replace and extend the Improvements. If the ACSA is unable to reasonably exercise the right of ingress and egress over the Clarke Lane right-of-way, the ACSA shall have the right of ingress and egress over the property of the County, if any, adjacent to the right-of-way.
3. Excavation and Restoration. Whenever it is necessary to excavate earth within the Easement, the ACSA shall backfill the excavation in a timely, proper and workmanlike manner so as to

restore the surface conditions to the same condition as they were prior to excavation, including restoration of all paved surfaces that were damaged or disturbed as part of the excavation.

4. Vegetation and Obstructions. The ACSA may cut any trees, brush and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide economical and safe installation, operation and maintenance of the Improvements. The ACSA shall not be responsible to the County or its successors and assigns, to replace or reimburse the cost of replacing or repairing any County-owned trees, brush, shrubbery or obstructions that are removed or otherwise damaged that would be inconsistent with the proper maintenance, operation or use of the Improvements.

5. Ownership of Improvements. The Improvements shall be the property of the ACSA.

6. Obligations of the Grantee if and when Clarke Lane is Proposed for Acceptance or is Accepted into the State-Maintained System. If and when the segment of Clarke Lane in which the Easement lies is proposed for acceptance or is accepted into the state-maintained or other publicly-maintained system of highways, the Grantee shall comply with the following:

a. Permits. The Grantee shall obtain all permits required by the Virginia Department of Transportation (hereinafter, "VDOT") or such other public entity that becomes responsible for the maintenance of Clarke Lane (hereinafter, "such other public entity") to authorize the Improvements to exist or remain within the Clarke Lane right-of-way (hereinafter, the "Permits") and shall comply with all applicable requirements of VDOT or such other public entity.

b. Acts Required of Grantee to Assure Acceptance of Clarke Lane into State-Maintained System. Until the Grantee quitclaims its interest in the Easement to VDOT, such other public entity, or the Grantor as required in conjunction with the acceptance of Clarke Lane into the state-maintained or other publicly-maintained system, the Grantee, at its sole expense, shall, promptly alter, change, adjust, relocate or remove the Improvements from the Clarke Lane right-of-way if VDOT or such other public entity determines that such alteration, change, adjustment, relocation or removal is required in order for VDOT or such other public entity to accept Clarke Lane into the system. Neither the Grantor, VDOT, nor such other public entity shall be responsible or liable to the Grantee or its successors or assigns for any costs associated with such alteration, change, adjustment, relocation or removal of the then-existing Improvements. In addition, neither the Grantor, VDOT, nor such other public entity shall be obligated to compensate or reimburse the Grantee or its successors or assigns for any increased or decreased cost or value associated with either the Improvements or Clarke Lane resulting from such alteration, change, adjustment, relocation or removal.

c. Continuing Obligations of Grantee to the County. After VDOT or such other public entity has issued the required Permits, the Grantee shall be subject to the following conditions, notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of the Grantee:

1. The Grantee, to the extent authorized by law, shall at all times indemnify and save harmless the Grantor, its employees, agents, officers, assigns, and successors in interest from any claim whatsoever arising from the Grantee's exercise of rights or privileges stated herein.

2. In the event that the Grantor or such other public entity becomes responsible for the maintenance of Clarke Lane and the Grantor or such other public entity requires, for its purposes, that the Grantee alter, change, adjust, or relocate the Improvements, across or under Clarke Lane, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of the Grantee. Neither the Grantor nor such other public entity shall be responsible or liable to the Grantee or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the Grantor nor such other public entity shall be obligated to compensate or reimburse the Grantee or its successors or assigns for any increased or decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if the Grantor, VDOT, or such other public entity is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on November 14, 2007, does hereby convey the interest in real estate made by this deed.

By its acceptance and recordation of this Deed of Easement, the ACSA acknowledges that it, its successors and assigns, shall be bound by the terms herein.