

ACTIONS
Board of Supervisors Meeting of April 2, 2008

April 3, 2008

<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 9:01 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan and Meagan Hoy. 	
<p>4. Recognitions:</p> <ol style="list-style-type: none"> Presentation of Certificates to Albemarle Homeschoolers. <ul style="list-style-type: none"> Mr. Boyd and the Coach of the team, Mamtha Adishesan presented certificates to students. Introduction of Karen Shepard, Executive Director, MACAA. <ul style="list-style-type: none"> Karen Shepard introduced herself and spoke about MACAA's mission. Proclamation recognizing <i>April 2008 as Month of the Young Child</i>. <ul style="list-style-type: none"> Chairman read proclamation. Proclamation recognizing <i>April 2008 as Fair Housing Month</i>. <ul style="list-style-type: none"> Chairman presented proclamation to Ron White and Paul Harper. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> Report that the TJPDC meeting on April 3rd will include a discussion on homelessness. There will be a conference on homelessness on April 15th, 12:00-3:00 p.m., at First Presbyterian Church, located Downtown. Suggested, and it was the CONSENSUS of the Board that a letter be sent to Governor Kaine from the Board, asking the Governor to restore as much as possible of the \$100 million in cuts that were taken from local governments. Suggested that the Board schedule, on a future agenda, an update on the different rail options to the community. Include in that discussion local advocates for passenger rail. (Mr. Tucker noted that the Virginia Department of Rail and Public Transportation are scheduled to make a presentation to the Board in June.) <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Asked when the rural area subdivision changes are scheduled to come back to the Board. Mr. Tucker said he would get the information. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Provide Board members with suggestions from citizens who attended her March town hall meetings: <ul style="list-style-type: none"> suggest local government consider 	<p><u>Andy Bowman:</u> Draft letter for Chairman's signature.</p>

<p>undertaking resource utilization study similar to that done by the School Division</p> <ul style="list-style-type: none"> include in our process the burial of asphalt consider burning of construction debris and tree trimming in the development areas. Moved (6:0) that staff bring back information (including the pros and cons) on banning the burning of construction debris in the growth area. Moved (6:0) that staff bring back information to the Board further information (including environmental pros and cons) on the burial of asphalt. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Announced that the Armed Forces Parade and Festival will be held on May 10, 2008, 2:00 p.m. – 6:00 p.m., at McIntire Park. Provided Board members with a copy of Economic Indicator Reports from Fairfax and Loudoun Counties. The County's Fiscal Impact Advisory Committee met on April 2nd and decided to undertake this as a project for Albemarle County. He asked Board members to let him know if they have anything they want tracked locally regarding the economy or fiscal data to let him and he will forward it to the committee. 	<p><u>Mark Graham:</u> Provide information as requested. <u>Clerk:</u> Schedule on agenda when ready to come back to Board.</p> <p><u>Mark Graham:</u> Provide information as requested. <u>Clerk:</u> Schedule on agenda when ready to come back to Board.</p>
<p>6. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Jeff Werner, on behalf of PEC, spoke to the earlier comments regarding freight rail and burial of asphalt. Paul Grady spoke about the consultants' current recommendations for the Eastern Connector. 	
<p>7.2 Requested FY 2008 Appropriations.</p> <ul style="list-style-type: none"> APPROVED budget amendment in the amount of \$254,300.22 and the approval of the FY 2008 Appropriations #2008055, #2008056, #2008057, #2008058, and #2008059. 	<p><u>Clerk:</u> Forward signed appropriations to OMB, Finance and appropriate individuals.</p>
<p>7.3 Adoption of a Resolution of Intent to update the Economic Development Policy in the Comprehensive Plan.</p> <ul style="list-style-type: none"> ADOPTED the attached Resolution of Intent to initiate the update of the Economic Development Policy in the Comprehensive Plan. REQUESTED the Planning Commission look at limiting some of the uses presently allowed in the LI district. LOOK at creating an additional LI district that would address additional LI-type property that is rezoned in the future. 	<p><u>Mark Graham/Wayne Cilimberg/Susan Stimart:</u> Proceed as directed. (Attachment 3)</p>
<p>7.4 Adoption of a Resolution of Intent for a zoning text amendment to provide a waiver for athletic facility light pole height.</p> <ul style="list-style-type: none"> ADOPTED the attached Resolution of Intent as 	<p><u>Mark Graham/Wayne Cilimberg/Pat Mullaney:</u> Proceed as directed.</p>

	amended at Board meeting.	
7.5	<p>Amendment to Regional Boundary for Solid Waste Planning.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to sign acknowledgement regarding the change in boundary for the TJ Solid Waste Planning Region. 	<u>County Executive</u> : Sign acknowledgement and forward to TJPDC.
7.6	<p>ACE; Virginia Department of Agriculture and Consumer Services Grant for Easement Acquisition.</p> <ul style="list-style-type: none"> • AUTHORIZED County Executive to execute the Agreement on behalf of the County, provided that it is first approved as to form and content by the County Attorney. 	<u>County Executive</u> : Proceed as directed. <u>County Attorney's office</u> : Provide Clerk with copy of fully executed document.
7.7	<p>Historic Crozet Streetscape Enhancement Project – Phase 2, Authorize the County Executive to sign Dominion Power Agreement for the relocation of utility lines on Crozet Avenue.</p> <ul style="list-style-type: none"> • AUTHORIZED County Executive to execute the Dominion Power agreement for the relocation of utility lines on Crozet Avenue in a form approved by the County Attorney. • REQUESTED staff to look at how other jurisdictions deal with utility companies in burying of power lines and associated costs. 	<u>County Executive</u> : Proceed as directed. <u>County Attorney's office</u> : Provide Clerk with copy of fully executed document.
	<p>Nonagenda.</p> <ul style="list-style-type: none"> • MOVED (5:1[Boyd]) that staff prepares an analysis on issues related to wind turbine for a work session by the Planning Commission on whether they will recommend modifying the Zoning Ordinance. 	<u>Wayne Cilimberg</u> : Proceed as directed with Planning Commission.
8.	<p>Public Hearing: Housing Choice Voucher.</p> <ul style="list-style-type: none"> • AUTHORIZED (6:0) the Office of Housing to submit the FY08 Annual Plan to HUD and AUTHORIZED the County Executive to execute the PHA Certifications. 	<u>Ron White</u> : Proceed as approved.
9.	<p>Crozet Advisory Council Review.</p> <ul style="list-style-type: none"> • ACCEPTED (6:0) the recommendations of the Crozet Community Advisory Council as set out in the Executive Summary, including membership terms and the development of a 12 month action plan that will be brought back to the Board for its information and review at regular intervals 	<u>Lee Catlin/Rebecca Ragsdale</u> : Proceed as approved. <u>Clerk</u> : Update Boards and Commissions information; advertise for applicants.
10.	<p>Request to amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to allow "water only" for Tax Map 55B, Parcel 1 (Jeff Sprouse), located on Route 250, just outside Crozet Community. White Hall Dist.</p> <ul style="list-style-type: none"> • MOVED (4:2[Boyd, Dorrier] not to proceed with a public hearing. 	<u>David Benish</u> : Notify applicant of Board's action.
11.	<p>Virginia Department of Forestry Annual Report, Nelson J. Shaw, Area Forester, Serving Albemarle County.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>Bright Stars Annual Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
13a.	VDOT Monthly Report/Advance Mills Bridge	

<p>Update.</p> <ul style="list-style-type: none"> • RECEIVED. • Working on getting updated cost estimates for Dickerson Road bridge. • Reported that the schedule is proceeding on Advance Mills Bridge. Currently in environmental stage. Archeological survey has been completed. Geological work being completed. Public hearing target dates between last week of June and week after July 4th; will confirm exact date. Crews working on Durrett Ridge Road. If weather permits, anticipate doing tar and gravel work within next couple of weeks. Steel for bridge work is in and currently being galvanized. 	
<p>13b. Transportation Matters not Listed on Agenda.</p> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Expressed concern that the advertising date for the Meadow Creek Parkway was pushed back. Mr. Sumpter reported that VDOT staff will be providing the City with a resolution for donated right-of-way, and hoping for adoption between April and May. <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • Suggested VDOT add reflectors along the yellow line on Earlysville Road. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked VDOT to look at installing pavement markings on the two left lanes going onto Airport Road from Route 29 North. • In terms of Advance Mills, suggested installing detour signs a little further away from the bridge on all four sides to alert residents. Mr. Sumpter said after VDOT completes some of its work on Durrett Ridge, they plan to go in and sign as an alternative route. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Asked who is responsible for cleanup after an accident. Mr. Sumpter replied that the towing company is responsible for cleaning up the site. 	<p><u>Clerk:</u> Forward comments to Allan Sumpter.</p>
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:35 p.m. the Board went into closed meeting to consider appointments to boards, committees, and commissions; to consider acquisition of real property necessary for a public safety facility; to discuss with legal counsel and staff specific legal matters requiring legal advice relating to two interjurisdictional agreements; and to discuss with legal counsel and staff specific matters requiring legal advice relating to the negotiation of an agreement related to the provision of public safety services. 	
<p>16. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 3:19 p.m., the Board reconvened into open session and certified the closed meeting. 	
<p>17 Boards and Commissions: Appointments.</p>	<p><u>Clerk:</u> Prepare appointment/reappointment</p>

<ul style="list-style-type: none"> • APPOINTED Russell Lafferty to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, with said term to expire on April 3, 2010. • APPOINTED Jeff Monroe to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, to fill an unexpired term that will end on April 3, 2011. • REAPPOINTED James Currie to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, with said term to expire on April 3, 2011. • APPOINTED David Bruns, Kimberly Higgins and Katya Spicuzza to the Police Department Citizens Advisory Committee, with said terms to expire March 5, 2010. • REAPPOINTED Steve Murray to the Agricultural and Forestal District Advisory Committee with said term to expire on April 17, 2012. • REAPPOINTED John Lowry to the Industrial Development Authority, with said term to expire January 19, 2012. 	<p>letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>14. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Citizens have expressed concerns about “no lights” at Darden Towe Park. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • She and Tamara Ambler will travel to Annapolis on April 7th. The Tributary Strategy Work Group (which consists of EPA and DEQ representatives, and their counterparts from other states) will spend the day listening to local governments concerns. 	
<p>Recess.</p> <ul style="list-style-type: none"> • The meeting recessed at 3:25 p.m. 	
<p>18. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:02 p.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Larry Davis, Bob Tucker, and Meagan Hoy. 	
<p>21. PUBLIC HEARING to receive comments on the Recommended Operating and Capital Budgets for FY 2008/2009 and the Proposed FY 2008 Tax Rates.</p> <ul style="list-style-type: none"> • HELD. 	
<p>Recess.</p> <ul style="list-style-type: none"> • The meeting recessed at 8:12 p.m. 	
<p>25 Adjourn to April 9, 2008, 2:00 p.m., Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:06 p.m. 	

ewj/mrh

- Attachment 1 – Proclamation recognizing *April 2008 as Month of the Young Child*
- Attachment 2 – Proclamation recognizing *April 2008 as Fair Housing Month*
- Attachment 3 – Resolution of Intent – Economic Development Policy
- Attachment 4 – Resolution of Intent – Athletic Facility Light Pole Height

'MONTH OF THE YOUNG CHILD'

WHEREAS, *the Central Virginia Association for the Education of Young Children is celebrating the **Month of the Young Child** in April, 2008, in conjunction with the Virginia Association for Early Childhood Education and the National Association for the Education of Young Children; and*

WHEREAS, *these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children and to building better futures for everyone in Albemarle County, Virginia; and*

WHEREAS, *all young children and their families across the country and in Albemarle County, Virginia, deserve access to high-quality early education and care; and*

WHEREAS, *in recognizing and supporting the people, programs, and policies that are committed to high-quality early childhood education as the right choice for children;*

NOW, THEREFORE, BE IT RESOLVED, *that I, Kenneth C. Boyd, Chairman, on behalf of the Board of Supervisors of Albemarle County, Virginia, do hereby recognize and proclaim*

APRIL, 2008
as the
"MONTH OF THE YOUNG CHILD"

and encourages all citizens to work toward high-quality early childhood education for all children in Albemarle County, Virginia.

Signed and sealed this 2nd day of April, 2008.

FAIR HOUSING MONTH

WHEREAS, *April 2008, marks the fortieth 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, 2008

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.

Signed and sealed this 2nd day of April, 2008.

RESOLUTION OF INTENT

WHEREAS, the Economic Development Policy of the Comprehensive Plan (the “Policy”) sets forth a number of goals, objectives and strategies for economic development in Albemarle County; and

WHEREAS, recent data has identified the lack of land available for Light Industry uses, the need for workforce development, and the County’s agricultural economy as three compelling economic trends related to a number of the Policy’s objectives; and

WHEREAS, in order to address these trends, it is desired to amend the Policy to prioritize strategies pertaining to increasing available land for local business expansion associated with Light Industry uses; encouraging and providing workforce development opportunities, with an emphasis on emerging business segments; and enhancing the economic viability of the rural economy, with an emphasis on those segments that protect the character of the Rural Areas.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good planning and land use practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Comprehensive Plan by amending the Economic Development Policy as described herein and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein; and

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

RESOLUTION OF INTENT

WHEREAS, current zoning regulations limit the height of poles for athletic facility lighting to the maximum height allowed for structures in the applicable zoning district; and

WHEREAS, in order to safely light an athletic facility, outdoor luminaires must provide sufficient illumination to all parts of the field or court and, to do so, the luminaires must be placed high enough over the athletic facility to provide such illumination; and

WHEREAS, in most if not all zoning districts, the maximum height allowed for structures does not allow outdoor luminaires to be placed high enough over an athletic facility to provide safe illumination; and

WHEREAS, in order to meet dark skies ordinances and to assure that athletic facilities are safely illuminated, it is desired to amend the Zoning Ordinance to allow poles for athletic facility lighting to be taller than the height otherwise allowed in the applicable zoning district, provided that the Planning Commission grants a waiver of the zoning district's height limitation on a case-by-case basis and authorizes the poles to be erected at a height determined to be necessary to safely illuminate the athletic facility.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Zoning Ordinance §§ 4.10.3.2, 4.17.5 and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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 recommendation to the Board of Supervisors, at the earliest possible date.