

ACTIONS
Board of Supervisors Meeting of August 13, 2008

August 15, 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 6: 00 p.m., in the Lane Auditorium, by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Meagan Hoy. 	
<p>4. Recognitions.</p> <ul style="list-style-type: none"> Mr. Boyd read the attached proclamation recognizing August 26, 2008 as Women's Equality Day, and presented same to Kobby Hoffman. 	(Attachment 1)
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> She recently attended a Water Conference where she had a conversation with Nissa Dean, Regional Manager, James River Office, for VA Dept of Conservation and Recreation. The DCR is working on a statewide template for stormwater ordinances. Richmond is still encouraging localities to develop their own, and will not downgrade their template. Provided copies of a handout from the Virginia Cooperative Extension, asking: "What if each Virginia household annually spent \$10/week on Virginia produced/grown food and farm products?" <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> First RTA meeting of the small group will be held next Wednesday, August 20th. The South Fork Rivanna Reservoir Maintenance Committee met last night. Ms. Thomas did a great job of chairing. He believes the committee will work well together. Asked when the Board will get a financial update. Mr. Tucker stated that staff has scheduled a work session for September 10th. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> The Historic Preservation community will have a preservation week in April 2009. They have invited all organizations in the region to propose a piece of the program that will be taking place that week. The County's Historic Preservation Committee is planning a "Lost Albemarle Program". More information will be forthcoming. There will be a Rivanna Solid Waste Authority meeting regarding the Ivy Landfill on Monday, August 18 at the Episcopal Church parish hall. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Asked Mark Graham to bring to the Board staff's report on TDR's. 	
<p>6. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> Heidi Sonen, Board member of Claudius Crozet 	

<p>Park, said they will be bringing forward to the Board in September a proposal for a partnership with Albemarle County to contribute to adding a bubble over their pool.</p> <ul style="list-style-type: none"> • Cynthia Simpson, Chair of the Crozet Swim Team, also asked the County for its support with adding winter swimming options (a bubble). 	
<p>7.2 Authorize County Executive to execute an amendment to the 2007 Stony Point Volunteer Fire Department Service Agreement for building improvements.</p> <ul style="list-style-type: none"> • AUTHORIZED the County Executive to sign this amendment on behalf of the County. 	<p><u>Clerk:</u> Forward agreement to Stony Point, Tammy Critzer, and County Attorney's office.</p> <p>(Attachment 2)</p>
<p>7.4 Resolution of Support for Airport Extension Project.</p> <ul style="list-style-type: none"> • ADOPTED attached resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Barbara Hutchinson and County Attorney's office.</p> <p>(Attachment 3)</p>
<p>8. Proposal recommended by the Albemarle County and City of Charlottesville Parks and Recreation staffs to plan for the installation of lighting at the Darden Towe Park tennis courts</p> <ul style="list-style-type: none"> • DEFERRED until September 3, 2008. 	<p><u>Pat Mullaney/County Attorney:</u> Make revisions to resolution.</p> <p><u>Clerk:</u> Schedule on September 3, 2008 agenda.</p>
<p>9. <u>PROJECT: SP-2007-053. St. Anne's-Belfield New Academic Building Project.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, subject to the 10 conditions recommended by the Planning Commission and modified at the Board Meeting. 	<p><u>Clerk:</u> Set out conditions of approval.</p> <p>(Attachment 4)</p>
<p>10. From the Board: Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked Board members to look over discussion points for VACo's Agricultural Committee and provide her with any feedback. (She will be sending them a copy of the information.) • Mentioned that on VACo's webpage, there is a study on Counties and Local Food Systems. • Provided Board members with General's coins from Colonel Hail from the NGIC groundbreaking ceremony. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Updated Board members on NGIC's no environmental impact statement. • Asked for a staff update on the County's car/van pooling. 	
<p>NON-AGENDA Closed meeting.</p> <ul style="list-style-type: none"> • At 8:19 p.m., the Board went into closed meeting to discuss with legal counsel and staff specific matters requiring legal advice relating to a water protection ordinance appeal. 	
<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 8:37 p.m., the Board reconvened into open session and certified the closed meeting. 	
<p>Resolution dismissing appeal related to extension of runway 21 at the Charlottesville-Albemarle Airport as premature and setting for public hearing an amendment to Albemarle County Code § 17-319.</p> <ul style="list-style-type: none"> • ADOPTED attached resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and set public hearing for September 3, 2008.</p> <p>(Attachment 5)</p>

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| 13. Adjourn. <ul style="list-style-type: none">• At 8:38 p.m., the meeting was adjourned. | |
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Attachment 1 – Proclamation - Women’s Equality Day

Attachment 2 – Amendment to the 2007 Stony Point Volunteer Fire Department Service Agreement for building improvements

Attachment 3 – Resolution – Runway Extension Project

Attachment 4- Conditions of Approval

Attachment 5 - Resolution dismissing appeal

WOMEN'S EQUALITY DAY

WHEREAS, many decades of effort by workers for women's rights were required to obtain passage of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

WHEREAS, in 1848, 160 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still no reliable protection in the U.S. Constitution for women against sex discrimination in general; and

WHEREAS, in the past years, laws and policies in the Commonwealth of Virginia have unjustly discriminated against girls and women in general, or against particular classes of women, such as in matters of reproductive rights, sexual assault, marital property, and sexual harassment, and although some laws and policies have been somewhat eased, such improvements can be, have been, and are being reversed; and

WHEREAS, some institutional policies, whether overtly discriminatory or "facially neutral," in public, voluntary, and private institutions, still have inequitable effects on women; policies such as those dealing with job promotions, occupational choice, recreational opportunities, and access to medical care (including reproductive and abortion services), and stereotypes still exist which limit women's roles and activities; and

WHEREAS, young girls and adult women still must contend with unwanted touching, sexual and verbal assault, and rape, and being viewed by men as objects to use, thus illustrating that many stereotypes are still operating which reinforce unjust assumptions; and

WHEREAS, most of the care of the young and the elderly is still given primarily by women, many of whom through economic necessity must also work in the job market and/or at home; and

WHEREAS, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim **August 26, 2008**, as **WOMEN'S EQUALITY DAY** in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all; and

BE IT FURTHER RESOLVED that the Board urges all citizens on August 26 and thereafter **(1)** to treat all distinctions and classifications according to sex as initially suspect and to be questioned until they are justified by an equitable and compelling interest of the community, the institution, or the individuals affected; and **(2)** to require that the burden of justification for any distinction according to sex be borne by those who wish to discriminate against women as compared with men; and **(3)** to examine all "facially neutral" criteria such as physical stature requirements, occupational qualifications, child care assistance opportunities, home maintenance responsibilities, elder care benefits, and disability benefits to determine whether they have disparate impact on women; and **(4)** to promote affirmative action in the public, voluntary, and private sectors in order to overcome the effects of past discrimination and stereotyping which have limited the life chances of women and girls as compared with men and boys; and **(5)** to eliminate all unjust discrimination and prejudice against women and ensure equality of rights, privileges, and responsibilities under equitable principles and practices for all women and men.

AMENDED SERVICE AGREEMENT

THIS AGREEMENT, made this _____ day of August, 2008, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision, (the "County"), and the **STONY POINT VOLUNTEER FIRE COMPANY, INC.**, a Virginia Corporation, (the "Fire Company").

WHEREAS, the Fire Company agrees to continue to provide valuable fire suppression services in Albemarle County in its delineated service area as set forth on the Response Area Maps located at the Emergency Communications Center ("Service Area"); and

WHEREAS, the Fire Company and the County entered into an Agreement dated May 7, 2007, whereby the County agreed to contribute Two Hundred Fifteen Thousand Seven Hundred Fifty Dollars (\$215,750.00) to provide for renovations and improvements to the building and property located at 3827 Stony Point Road, Charlottesville, Virginia (County Tax Map 48 Parcel 18D) that are necessary to provide fire suppression services; and

WHEREAS, after the receipt of the bids for this project, the cost of the renovations and improvements, inclusive of A&E fees for construction phase services, has been adjusted to One Hundred Fifty Two Thousand Dollars (\$152,000.00); and

WHEREAS, pursuant to the agreed repayment terms the Fire Company repaid Seventeen Thousand Nine Hundred Eighty Dollars (\$17,980.00) in July 2007 but desires to amend the repayment terms to address the reduced loan amount and cash flow issues of the Fire Company in subsequent years.

NOW, THEREFORE, for and in consideration of the above stated premises, the County and Fire Company agree, as follows:

1. The Fire Company agrees that it will pay to the County Twelve Thousand One Hundred Eighty Four Dollars (\$12,184.00) on or before November 15th each November of 2008 through 2017 and Twelve Thousand One Hundred Eighty Dollars (\$12,180.00) on or before November 15, 2018. Thus at the end of twelve (12) years, including the 2007 repayment already received, a total of \$152,000.00 shall be repaid.
2. This Amended Service Agreement amends only Paragraph 2 of the Service Agreement dated May 7, 2007, attached hereto as Attachment 1 and incorporated by reference. All other terms and conditions of the Service Agreement remain in full force and effect and are reincorporated herein by reference.

**Resolution In Support of the 800' Extension of Runway 21
At the Charlottesville-Albemarle Airport**

WHEREAS, the Charlottesville-Albemarle Airport commenced commercial air service in August 1955 to serve the County of Albemarle and City of Charlottesville; and

WHEREAS, the Charlottesville-Albemarle Airport contributes over \$170 million of direct economic impact to the Albemarle-Charlottesville region; and

WHEREAS, the only runway serving the Charlottesville-Albemarle Airport was last extended in 1966 to the current size of 6,001' x 150', and Charlottesville-Albemarle Airport has identified the extension of Runway 21 as critical to the continuing success of air service at the Airport; and

WHEREAS, this extension will occur on Airport property and will be funded by the Federal Aviation Administration, Virginia Department of Aviation, and Charlottesville-Albemarle Airport funds; and

WHEREAS, it is expected and required that the construction of this extension will occur in a manner that provides the highest level of environmental protection reasonable for this type of construction activity;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby support the extension of Runway 21 by 800' in order to support the economic benefits provided by Airport operations; and

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors extends its appreciation to the Federal Aviation Administration and Virginia Department of Aviation for the funds that will be provided to the Runway Extension Project at Charlottesville-Albemarle Airport.

Conditions of Approval

1. The site shall be developed in substantial accord with the concept plan entitled "St. Anne's-Belfield Proposed Lower/Middle School Preliminary Site Plan," dated June 6, 2008, except that changes may be made provided the Zoning Administrator finds that all other special use conditions are met;
2. The maximum enrollment shall be 550 students;
3. Arrival and dismissal times for Lower and Middle school students shall be staggered at a minimum twenty (20)-minute interval so that all students do not arrive at/depart from the campus at the same time;
4. The Owner shall design and construct all improvements at the Belfield campus to meet the minimum standards for LEED certification under the LEED for Schools Rating System and shall seek to obtain such certification at the minimum level or better within two (2) years from the date of the Certificate of Occupancy;
5. Stormwater management shall be provided in the form of biofilters for any new impervious surfaces. In addition to the requirements of the County's Water Protection Ordinance, the majority of roof runoff shall be captured in a rainwater collection and reuse system;
6. Erosion control shall be provided within the property by the use of sediment trapping measures and diversions. Off-site easements or work, or variations from the standards, shall not be used;
7. In order to address off-site transportation impacts caused by this project, the Owner shall contribute cash in the amount of forty-nine thousand two hundred forty six dollars (\$49,246.00) to the County for the purpose of funding road safety improvements, traffic signalization improvements, or other transportation improvements located within the boundaries of Neighborhoods 6 or 7 as delineated in the County Comprehensive Plan's Land Use Plan adopted June 5, 1996. The cash contribution shall be made prior to issuance by the County of the first building permit for the project;
8. A row of two and one-half inch (2 ½") caliper shade trees spaced forty (40) feet on center shall be provided along the east side of the relocated portion of SR 855;
9. A minimum of twenty (20)-foot deep landscape buffers shall be provided, free of utilities, to screen the parking lot located southeast of the existing football field from the US 29/250 Bypass; and
10. Landscaping may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the playing fields and parking on the Entrance Corridor.

**RESOLUTION DISMISSING APPEAL RELATED TO EXTENSION OF RUNWAY 21
AT THE CHARLOTTESVILLE-ALBEMARLE AIRPORT AS PREMATURE
AND SETTING FOR PUBLIC HEARING AN AMENDMENT
TO ALBEMARLE COUNTY CODE § 17-319**

WHEREAS, the County's Program Authority made a preliminary decision that a proposed 800 foot extension of Runway 21 at the Charlottesville-Albemarle Airport could encroach into a stream buffer on the Airport's property because the runway was a "driveway" within the meaning of Albemarle County Code § 17-320(D) which would allow it to be developed within a stream buffer, provided that specified performance standards are satisfied; and

WHEREAS, on August 6, 2008, the Board received information from the Airport's Executive Director, who identified the extension of Runway 21 as critical to the continuing success of air service at the Airport and explained that the construction of the runway extension will occur in a manner that provides the highest level of environmental protection reasonable for this type of construction activity; and

WHEREAS, on August 6, 2008, Allan B. Kindrick submitted a letter purportedly appealing the Program Authority's interpretation of Albemarle County Code § 17-320(D) to the Board of Supervisors, as authorized under Albemarle County Code § 17-311; and

WHEREAS, the Program Authority has neither approved the stormwater management plan, nor taken any other action, on the proposed runway extension project and, therefore, no action has been taken that would establish a right to appeal as provided under Albemarle County Code § 17-311; and

WHEREAS, the Program Authority has further examined this issue and, because of the important public purposes for the runway extension project, the federal and state environmental review to which this project is subject, and the need for the project to be exempt from any requirements to retain, establish, or manage a stream buffer, as permitted for certain types of development under Albemarle County Code § 17-319, recommends that the treatment of public airport facilities be specifically addressed by an amendment to the Water Protection Ordinance to include such facilities under the provisions of Albemarle County Code § 17-319.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby dismiss the August 6, 2008 appeal by Allan B. Kindrick as premature; and

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby sets for public hearing on September 3, 2008 an amendment to Albemarle County Code § 17-319 to add the construction, installation and maintenance of runways, taxiways, and other similar or appurtenant improvements at public airports, including their expansion or extension, as a type of development that is exempt from the duty to retain, establish or manage a stream buffer, provided that all applicable federal, state and local permits are obtained, and to make other related amendments to Chapter 17 of the Albemarle County Code as determined to be necessary and appropriate.