

ACTIONS
Board of Supervisors Meeting of April 14, 2010

April 16, 2010

<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 6:01 p.m. by the Chair, Ms. Mallek. Also present were Bob Tucker, Larry Davis, and Meagan Hoy. 	
<p>4. From the Board: Matters not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Updated the Board on her paddling trip on the Rivanna River. The Advance Mills Bridge will open on Friday April 16, 2010. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> Updated the Board on a discussion he had with a citizen regarding the Scottsville Library. He informed the citizen the library would not close. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> The Board received a letter regarding the YMCA, and there was a mistake in the figures used in the letter. 	
<p>5. From the Public: Matters not Listed for Public hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Liz Palmer</u>, County resident, spoke about the long term water supply plan, and suggested replacing the Ragged Mountain Dam and enlarging it so it can hold more water. <u>Edward Brooks</u> commented on the sharing of principals in the smaller schools. He also suggested clarifying what a world class school system is and communicating that to the public. 	
<p>6.2. Resolution to accept Hickman Road into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward adopted resolution and signed AM-4.3 Form to Glenn Brooks, County Engineer. (Attachment 1)</p>
<p>Non-Agenda.</p> <p>Camille Cooper spoke to the Board about the Internet Crimes Against Children (ICAC) Program, and the need to hire additional officers in the Police Department to focus on internet crime. Investigator Steve Anders was also present and presented a Power Point to the Board.</p>	
<p>7. Six Year Secondary Road Plan</p> <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the County's Priority List of Secondary Road Improvements (Attachment A, on file in the Clerk's Office) and AUTHORIZED the County Executive to sign the VDOT Secondary System Construction Program Budget for Albemarle County consistent with the County's Priority List (Attachment B, on file in the Clerk's Office). 	<p><u>David Benish:</u> Proceed as approved.</p>
<p>8. PROJECT: SP-2009-00027. Grayson Farm</p>	

<p><u>Airstrip (Signs #1&3).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2009-00027, with the twelve conditions as recommended by staff and the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 2)</p>
<p>9. <u>PROJECT: SP-2009-00028. Augusta Lumber</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2009-00028, with the four conditions as recommended by staff and the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 2)</p>
<p>10. <u>AFD-2010-00001. Batesville Agricultural and Forestal District Review: 10-03() – Agricultural and Forestal Districts.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the renewal of the Batesville Agricultural and Forestal District for an additional ten-year period, and ADOPTED the attached ordinance amending County Code § 3-207 to update the parcels in the District and establishing the next review period. 	<p><u>Clerk:</u> Forward signed ordinance to Eryn Brennan and County Attorney's Office. Prepare renewal letters and forward copies to Eryn Brennan. (Attachment 3)</p>
<p>11. <u>SDP-2009-09. Arden Place.</u></p> <ul style="list-style-type: none"> • RESCINDED, by a vote of 6:0, the November 4, 2009 action of the Board in regard to the Arden Place open space acceptance. • APPROVED, by a vote of 6:0, the density bonus in exchange for the dedication of open space as shown on Attachment D (on file in the Clerk's Office) and AUTHORIZED the County Executive to accept the dedication after the County Attorney has approved the deed of dedication and plat as to form and substance along with the conditions that the path terminates as originally recommended by the Planning Commission, and that it continue to be an eight foot path. REQUESTED that the developer gate or block access through the stormwater pond. 	<p><u>Bill Fritz:</u> Notify applicant and proceed as approved.</p>
<p>12. <u>University of Virginia Health Services Foundation Agreement for Payment in Lieu of Taxes.</u></p> <ul style="list-style-type: none"> • AUTHORIZED, by a vote of 6:0, the County Executive to sign the University of Virginia Health Services Foundation Agreement for Payment in Lieu of Taxes. 	<p><u>County Attorney's Office:</u> Provide Clerk with fully executed copy of agreement. (Attachment 4)</p>
<p>13. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Discussed the VACO Regional Meeting in Fluvanna on April 20th at 6:00 p.m. Decided that Ms. Mallek and Mr. Rooker would attend. 	<p><u>Clerk:</u> RSVP to Debbie Bowling.</p>
<p>14. Adjourn to Saturday, April 24, 2010, 1:30 p.m., Jefferson Madison Regional Library.</p> <ul style="list-style-type: none"> • At 8:00 p.m., the meeting was adjourned to Saturday, April 24, 2010, 1:30 p.m., Jefferson Madison Regional Library. 	

/mrh

Attachment 1 – Resolution to accept Hickman Road into the State Secondary System of Highways

Attachment 2 – Planning Items - Conditions of Approval

Attachment 3 – Ordinance - Batesville Agricultural and Forestal District Review

Attachment 4 - University of Virginia Health Services Foundation Agreement for Payment in Lieu of Taxes

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 14th day of April 2010, adopted the following resolution:

RESOLUTION

WHEREAS, **Hickman Road**, as described on the attached Additions Form AM-4.3 dated **April 14, 2010**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add **Hickman Road**, as described on the attached Additions Form AM-4.3 dated **April 14, 2010**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Hickman Road (State Route 1316)** from the intersection of Route 1117 (State Farm Boulevard) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1485, page 406, with a 60-foot right-of-way width, for a length of 0.30 miles.

Total Mileage – .30

Conditions of Approval on Planning Items

SP-2009-00027. Grayson Farm Airstrip:

1. Development of the use shall be in conformity with the Conceptual Plan entitled, "Concept Plan," prepared by Tim Schmidt, and submitted October 13, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in conformity with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - *location of airstrip and*
 - *location of buildings and structures*
 as shown on the Conceptual Plan. Minor modifications to the Conceptual Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The airstrip shall be located not less than five hundred (500) feet horizontally nor one thousand (1,000) feet longitudinally to any existing dwelling on adjacent property;
3. No lighting of the airstrip shall be permitted;
4. The airstrip shall not be paved or graded;
5. Approval and registration with the Federal Aviation Administration and the Virginia Department of Aviation, and approval from the Charlottesville-Albemarle Airport shall be required and must be kept current;
6. Landings and takeoffs shall be limited to daylight hours only, and shall not be permitted between the hours of 10:00 a.m. to 12:00 p.m. on Sundays;
7. All maintenance, repair, and mechanical work, except that of an emergency nature, shall be performed in an enclosed building;
8. Commercial activities and private clubs shall not be permitted on-site in conjunction with the airstrip;
9. No fuel shall be stored on-site;
10. Aircraft usage shall be limited to a single-engine, fixed-wing aircraft;
11. The airstrip shall be limited to Visual Flight Restricted (VFR) flying; and
12. No more than five (5) takeoffs and landings shall be allowed per week.

SP-2009-00028. Augusta Lumber:

1. Approval of SP-2009-00028 is for the addition of one (1)- three thousand, six hundred (3,600) square foot lumber storage/sorting building only. Any other uses, buildings, and/or enlargement of buildings shall require amendment of this special use permit;
2. The subject storage shed shall be located on the property in general accord with the sketch plan entitled "Plat of Boundary Line Adjustment Tax Map 99 Parcels 49A and 49A3" dated September 25, 2008" (hereinafter the "Plat") subject to standards within Section 5.1.15 of the Albemarle Zoning Ordinance;
3. The subject storage shed shall be restricted to the following purposes:
 - a) storage of lumber and
 - b) sorting of lumber; and
4. No noise generating production equipment shall be used within the building proposed with SP-2009-00028, as shown in Attachment A the "Plat" (*yellow*) or within 100' of the property line of TMP 99-49A3.

ORDINANCE NO. 10-03(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

3-207 Batesville Agricultural and Forestal District

CHAPTER 3

AGRICULTURAL AND FORESTAL DISTRICTS

DIVISION 2. DISTRICTS

Sec. 3-207 Batesville Agricultural and Forestal District.

The district known as the "Batesville Agricultural and Forestal District" consists of the following described properties: Tax map 70, parcels 40, 40A; tax map 71, parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I; tax map 84, parcels 35A, 69; tax map 85, parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31. This district, created on May 2, 1990 for not more than 10 years and last reviewed on April 14, 2010, shall next be reviewed prior to April 14, 2020.

(Code 1988, § 2.1-4(s); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 00-3(3), 9-13-00; Ord. 01-3(2), 7-11-01; Ord. 04-3(1), 3-17-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(1), 4-14-10)

**UNIVERSITY OF VIRGINIA HEALTH SERVICES FOUNDATION
AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

This Agreement For Payment In Lieu Of Taxes is made this 14th day of April, 2010 by and between the UNIVERSITY OF VIRGINIA HEALTH SERVICES FOUNDATION (the "Foundation"), a Virginia non-stock corporation, and the COUNTY OF ALBEMARLE, VIRGINIA (the "County"), a political subdivision of the Commonwealth of Virginia.

RECITALS:

R- 1. For purposes of this Agreement, the parties agree that pursuant to Title 58.1 of the *Code of Virginia* the Foundation is exempt from property taxation on its property, and the Foundation has supplied the County with sufficient information supporting its entitlement to exemption from taxation.

R-2. The Foundation owns certain real property that is not directly used by the University of Virginia for scientific, educational, or literary purposes. Because the Foundation acknowledges it benefits from significant public services provided by the County, the Foundation agrees to make annual payments equal to the amount of real estate taxes that would be due on any of its real property not leased to the University of Virginia or its governing body, or to the University of Virginia Foundation if such property is to be used for the direct benefit of the University of Virginia for literary, scientific or educational purposes, under the terms set forth in this Agreement

NOW THEREFORE, WITNESSETH that in consideration of the premises, the mutual promises made herein, and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the County and the Foundation hereby agree as follows:

1. The Foundation, and its successors and assigns, shall make annual payments to the County in lieu of taxes for any real property, or any portion thereof, that the Foundation owns that is not leased to the University of Virginia or its governing body, or to the University of Virginia Foundation if such property is to be used for the direct benefit of the University of Virginia for literary, scientific or educational purposes, on January 1st of the tax year. The Foundation shall make such annual payments based upon the general real estate tax rate then in effect; such payments being due and payable in two (2) installments, the first being due and payable on or before June 5th of the year for which such payments in lieu of taxes are assessed and the second being due and payable on or before December 5th of the year for which such payments in lieu of taxes are assessed. Penalty and interest applicable to Albemarle County real estate taxes shall be applied if the installments are not paid when due.

2. The supplemental tax assessment made by the County and billed in the County of Albemarle Tax Statement dated January 05, 2010 for tax parcels 07600-00-00-017B2 and 05900-00-00-023B0 shall be abated. No payment is or will be due from the Foundation as a result of such supplemental tax assessments.

3. This Agreement shall be effective for tax year 2010, and shall continue in full force and effect for each subsequent tax year for so long as the Foundation's property remains tax exempt pursuant to the laws of the Commonwealth of Virginia, unless otherwise modified by mutual agreement of the County and the Foundation.

4. This Agreement supersedes and replaces the May 1993 Agreement For Payment in Lieu of Taxes between the County and the Foundation for tax year 2010 and all tax years thereafter.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.