

ACTIONS
Board of Supervisors Meeting of May 13, 2015

May 14, 2015

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:02 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		Listen
2. Work Session: Capital Improvements Program. <ul style="list-style-type: none"> HELD 		
3. Work Session: Objectives for Years Two and Three of the FY15-17 Strategic Plan. <ul style="list-style-type: none"> Due to time constraints not discussed; will be discussed in June. 		
4. Closed Meeting <ul style="list-style-type: none"> At 4:50 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning an agreement relating to the Rivanna Water & Sewer Authority; and under Subsection (19) to discuss a plan relating to the security of County facilities and the safety of persons using such facilities. 		Listen
5. Reconvene and Call to Order. <ul style="list-style-type: none"> At 6:03 p.m., the Board reconvened into open meeting. 		
6. Certify Closed Meeting. <ul style="list-style-type: none"> The Board immediately certified the closed meeting. 		Listen
9. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda, with removal of Item 13.2 from the consent agenda. 		
10. Brief Announcements by Board Members. <u>Ken Boyd:</u> <ul style="list-style-type: none"> The Sixth Annual Grace Church Farm Tour will be held on June 13, 2015, 10:00 a.m. to 4:00 p.m., <u>Ann Mallek:</u> <ul style="list-style-type: none"> Mentioned the death of Joan McDowell, former longtime County employee and rural area supporter. Announced that the Memorial Day Celebration in Earlysville will be held at 10:00 a.m., sponsored by VFW Post 2044. <u>Jane Dittmar:</u> <ul style="list-style-type: none"> Announced that there will be a Broadband Open House education session and discussion held on May 19, 2015, Monticello High School, 6:30 p.m. to 8:00 p.m. At the end of this month the VFW will hold a number of celebrations around the County and she wished everyone a happy and safe Memorial Day. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Announced that the Long Range Solid Waste Committee will hold an open house on June 4, 		

	2015, COB-5 th Street, Room A, 6:30 p.m. to 8:30 p.m.		
11.	<p>Proclamations and Recognitions:</p> <p>a. Business Appreciation Month 2015.</p> <ul style="list-style-type: none"> • ADOPTED by a vote of 6:0, proclamation and presented to Adrian Felts. 	(Attachment 1)	Listen
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Jonathan Heauchert and Shaedane Brown</u>, Monticello High School seniors, presented information on their CAP project, regarding issues surrounding community councils. • <u>Lydia Brunk and Devon Garcia</u>, presented information on their CAP project, regarding pre-K education in the Southwood neighborhood. <p><u>The following individuals spoke in opposition to the proposed truck restriction on a portion of Earlysville Road:</u></p> <ul style="list-style-type: none"> • Alan Dickie, resident of the White Hall District • Tom Wharton, resident of White Hall District • Lyman Knight • David Willis, Principal and Vice President of Rockydale Quarries Corporation 		Listen
13.1	<p>Set public hearing for June 3, 2015, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2.3% effective July 1, 2015.</p> <ul style="list-style-type: none"> • SET public hearing for June 3, 2015. 	<u>Clerk:</u> Advertise public hearing.	
13.2	<p>Resolution to accept road(s) in Dunlora Forest Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • Removed from agenda. 		Listen
13.3	<p>Resolution to accept road(s) in Haden Place Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution and AM-4.3 to Glenn Brooks and County Attorney's office. (Attachment 2)	
13.4	<p>SDP-2014-075 Cascadia, Block 1-3- Final Site Plan- Special exception to authorize variations from the Code of Development for ZMA 2002-004.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving a special exception for variations #7-12 with conditions. 	<u>Clerk:</u> Forward copy of signed resolution and conditions to Community Development and County Attorney's office. (Attachment 3)	
13.5	<p>Resolution Providing Board Comments on Proposed Policy Change to the Comprehensive Services Act.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to appropriate individuals and County Attorney's office. (Attachment 4)	
14.	<p>Pb. Hrg: PROJECT: CLE-2015-00041. Ms. Lala's Child Care (Delois Grady).</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve the family day home subject to recommended conditions. 	<u>Clerk:</u> Forward copy of signed resolution and conditions to Community Development and County Attorney's office. (Attachment 5)	Listen
15.	<p>Pb. Hrg: PROJECT: SP-2015-00004. Gordonsville-Somerset Rebuild Project (Signs #45&46).</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP-2015-00004 subject to recommended condition. 	<u>Clerk:</u> Forward copy of signed resolution and condition to Community Development and County Attorney's office. (Attachment 6)	Listen

16.	Shenandoah National Park Annual Presentation, Jim Northup, Superintendent. • RECEIVED.		Listen
17.	Albemarle County Service Authority Quarterly Report, Gary O'Connell, Executive Director. • RECEIVED.		Listen
18.	Rivanna Water and Sewer Authority Quarterly Report, Tom Frederick, Executive Director. • RECEIVED.		Listen
Board recessed at 7:43 p.m. and Reconvened at 7:53 p.m.			
19.	CPA-2013-01. Comprehensive Plan Update/Amendment. • DIRECTED staff to include the Historic Preservation Committee's recommendation, that was received at the May 6, 2015 Board of Supervisors meeting, in the Comprehensive Plan Draft for the June 10, 2015 public hearing; • DIRECTED staff to include an 82 acre parcel located on the western border of the Southern Development Area, west of the Route 29 South – I64 interchange in the advertised Plan. This property should contain a Parks and Green Systems designation for the environmental features and an employment designation for the remaining developable acreage (approximately 32 acres) and REQUESTED staff to provide standard notification to nearby property owners.	<u>Elaine Echols</u> : Proceed as directed.	Listen
20.	Discontinuance of Maintenance for the north end of State Route 614. • HELD discussion.	<u>Clerk</u> : Schedule on June 3, agenda.	Listen
21.	From the Board: Matters Not Listed on the Agenda. a. Discussion of prioritization of Broadband rollout. • HELD discussion. <u>Ann Mallek</u> : • Discussed Twin 33s Legislation (large trucks) introduced in Congress and asked Board members to consider sending letters in opposition. • Discussed proposed truck restriction on portion of Earlysville Road. • Provided an update of Robert Bennett's presentation at the VACo meeting regarding the Dam Safety Program. • Phase 3 of the Stormwater Implementation Plan is proceeding to the next stage. • The Hemp Bill legislation, supported by the Board, was approved. • Provided an update of Scott Cutlass presentation about JLARC study for Virginia's water resources. <u>Jane Dittmar</u> : • Provided an update of the recent Mayor and Chair's meeting. Added that the Commonwealth will retain more of a percentage of traffic fines than previously; David Blount is researching the issue. • Suggested the Board send a note of		Listen

<p>appreciation to police force in appreciation of their leadership and high performance. CONSENSUS that Chair draft letter to be read at the Police Foundation Banquet.</p> <ul style="list-style-type: none"> Reported on a recent meeting with Scottsville Town Council and announced they already have a Stagnant Water Ordinance. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Discussed Board compensation. 		
<p>22. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Discussed potential steps following the Pre-K summit community meeting; will follow-up with additional information on a future agenda. Ms. Dittmar suggested scheduling a report from CATEC in July. Ms. McKeel asked about follow-up from IMPACT meeting. Mr. Foley responded that City and County representatives have set up a follow-up meeting. 		
<p>23. Adjourn.</p> <ul style="list-style-type: none"> With no further business to come before the Board, the meeting was adjourned at 8:47 p.m. 		

ewj/tom

Attachment 1 – Proclamation recognizing Business Appreciation Month

Attachment 2 – Resolution to accept road(s) in Haden Place Subdivision into the State Secondary System of Highways

Attachment 3 – Resolution and conditions - SDP-2014-075 Cascadia, Block 1-3- Final Site Plan- Special exception

Attachment 4 – Resolution Providing Board Comments on Proposed Policy Change to the Comprehensive Services Act

Attachment 5 – Resolution and conditions - CLE-2015-00041. Ms. Lala’s Child Care (Delois Grady)

Attachment 6 – Resolution and condition - SP-2015-00004. Gordonsville-Somerset Rebuild Project

BUSINESS APPRECIATION MONTH 2015

WHEREAS, Governor Terry McAuliffe has recognized **May 2015** as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and

WHEREAS, Albemarle County businesses play an essential role in supporting the needs and development of our local communities; and

WHEREAS, Albemarle County businesses are vital to the successful creation and maintenance of a diverse, strong, and sustainable economy; and

WHEREAS, Albemarle County applauds the successes of local businesses and their role in supporting the County's goals by reinforcing our commitment to bringing innovation and variety to the community through exceptional professional practices; and

WHEREAS, Albemarle County is pleased to distinguish the many accomplishments of our many business owners, and to appreciate the many small businesses that have chosen the County as their home;

NOW, THEREFORE, BE IT RESOLVED that, we, the Albemarle County Board of Supervisors, do hereby recognize

**The month of May 2015
as
BUSINESS APPRECIATION MONTH**

in the **County of Albemarle**, and express our appreciation to our local, regional and state business partners for their valuable contributions to our community.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of May 2015, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Haden Place Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 13, 2015**, 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 the street(s) in **Haden Place**, as described on the attached Additions Form AM-4.3 dated **May 13, 2015**, to the secondary system of state highways, pursuant to §33.2-705, 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) **Haden Place (State Route 1029)** from Route 1028 (Haden Way) to 0.16 miles south, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4171, page 554, for a length of 0.02 miles.
- 2) **Haden Way (State Route 1028)** from Route 1029 (Haden Place) to .06 miles west to Route 1215 (Killdeer Lane), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4171, page 554, for a length of 0.06 miles.
- 3) **Haden Way (State Route 1028)** from Route 1029 (Haden Place) to .06 miles west, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4171, page 554, for a length of 0.06 miles.

Total Mileage – 0.14

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2002-004, CASCADIA**

WHEREAS, Cascadia Development LLC is the owner of Tax Map and Parcel Number 06200-00-00-02500 (the "Property"); and

WHEREAS, in addition to six variations previously approved for the Application Plan and Code of Development associated with ZMA 2002-004 Cascadia, approved in August 2006, Cascadia Development LLC filed a request for a special exception in conjunction with SDP 2014-075 Cascadia, Block 1-3 Final Site Plan, to vary the Code of Development approved in conjunction with ZMA 2002-004 Cascadia, to vary the street layout; allow public maintenance of various streets; vary the street sections for Delphi Drive, Marietta Lane and Terrace Lane, and provide new street sections for townhouse lots 68-75 and 106-111 on Knoll Lane; allow the builder to use a front porch to qualify as the building wall to determine the distance that the garage is recessed; 11) to vary the build-to-line; and to shift the location of Knoll Park and Pocket Parks 1 and 2 located near the southeast corner of Block 3 and to increase the area of Knoll Park and Pocket Parks 1 and 2, as shown on the Owner's variation request dated April 14, 2015 with attachments, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary and the attachments thereto, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.8, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA 2002-004 Cascadia, as described hereinabove, subject to the conditions attached hereto.

* * *

SDP 2014-75 Cascadia, Block 1-3 – Final Site Plan Special Exception Conditions

1. The street layout shall be varied as shown on the drawing entitled "Variation # 1 Vary the Street Layout," dated March 18, 2015, attached to the Owner's Variation Request dated April 14, 2015, provided that a turn around shall be designed and constructed for Marietta Drive that complies with the Albemarle County Design Standards Manual (Variation No. 7).
2. The streets depicted on the drawing entitled "Variation # 2 Maintenance of Streets," dated April 14, 2015, attached to the Owner's Variation Request dated April 14, 2015, shall be designed and constructed to Virginia Department of Transportation standards so that they may be accepted into the secondary state highway system (Variation No. 8).
3. The street sections for Delphi Drive, Marietta Lane, and Terrace Lane shall be varied, and the street sections for Knoll Lane abutting lots 68-75 and 106-111 shall be established, such that they are designed and constructed as provided on the drawing entitled "Variation # 3 Vary Road Sections," dated March 15, 2015, attached to the Owner's Variation Request dated April 14, 2015. (Variation No. 9).
4. The method of measuring the minimum garage setback shall be varied from that stated in Item 6 in the Architectural Ornamentation and Facade Treatments section on page 17 of the Code of Development to allow the front porch of the dwelling to be the "building wall" for the purpose of measuring the garage setback, and the minimum garage setback shall be varied so that it is increased from a minimum of three (3) feet to a minimum of five (5) feet (Variation No. 10).
5. The build-to lines shall be varied as shown on the sheet entitled "Building Block Plan/Phasing Plan," dated December 1, 2014, attached to the Owner's Variation Request dated April 14, 2015 (Variation No. 11).
6. The locations of Knoll Park and Pocket Parks 1 and 2 shall be varied as shown on the drawing entitled "Variation # 6 Vary Location of Parks," dated March 18, 2015, attached to the Owner's Variation Request dated April 14, 2015 (Variation No. 12).

**RESOLUTION
COMPREHENSIVE SERVICES ACT FOR AT-RISK YOUTH AND FAMILIES (CSA)**

WHEREAS, a proposed State policy now open for public comment would impose new administrative requirements, arbitrary deadlines, and costs on local governments under the Comprehensive Services Act for At-Risk Youth and Families (CSA); and

WHEREAS, the proposed policy imposes a new responsibility on each local Family Assessment and Planning Team (FAPT) to assess cases, sometimes after the fact, involving children whose parent or guardian admits them to a residential treatment facility without going through the local FAPT process; and

WHEREAS, additional concerns include the understanding that the proposed policy:

- inserts FAPT into the process after the child placement - not necessarily before it occurs - and requires FAPT, only then, to perform an assessment and determine if community-based services would be more cost-effective;
- creates the opportunity for additional trauma for a child who is placed in a facility prior to FAPT review and then must be moved again if the FAPT subsequently determines that community-based treatment is more appropriate;
- creates local government financial responsibility for placements not initially authorized by the FAPT;
- sets an arbitrary deadline for FAPT action which includes assessment, development of a service plan, and identification/scheduling of providers;
- assesses a de facto financial penalty by shifting the residential treatment costs to the locality if the locality cannot safely move the child back to the community before the arbitrary deadline;
- assesses that financial penalty on localities for missing a deadline when there is no guarantee that the FAPT will receive the referral in a timely manner after a placement is made;
- fails to account for localities with large FAPT caseloads, localities with part-time coordinators, and those with regional FAPTs; and
- allocates no additional state administrative funds to help localities with new responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that the Office of Comprehensive Services and the State Executive Council refrain from adopting this policy, as proposed, that shifts from the state to the county direct and indirect costs associated with expanding the mandated population under CSA and, instead, support the expansion of state funding for community-based behavioral health services for children and adolescents which would address the basic issue that is driving the interest in this proposed policy; and

BE IT RESOLVED FURTHER that any movement on this proposed policy be postponed until it can be determined that there is truly a need for such a policy and, if so, that any new commitments affecting the County not add unrealistic administrative burdens or impose unfunded mandates; and

FURTHER RESOLVED that this resolution be sent to the Office of Comprehensive Services for At-Risk Youth & Families with copy to Albemarle County's delegation to the Virginia General Assembly.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR CLE 2015-41 MS. LALA'S CHILD CARE (DELOIS GRADY)**

WHEREAS, Delois L. Grady and Thomas N. Morton, Jr. are the owners of Tax Map and Parcel Number 061X2-00-0W-00800 (the "Property"); and

WHEREAS, Delois Grady filed a request for a special exception in conjunction with CLE 2014-41 Ms. Lala's Child Care (Delois Grady) in March, 2014 to allow Ms. Lala's Child Care to care for six to twelve children; and

WHEREAS, the Board of Supervisors approved the special exception with conditions, including a condition that the approval would expire on May 14, 2015 and would be subject to reapplication and approval for continued use; and

WHEREAS, Delois Grady filed a request for a special exception in conjunction with CLE 2015-41 Ms. Lala's Child Care (Delois Grady), to allow Ms. Lala's Child Care to continue to care for six to twelve children.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.56(b)(7)(b) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to allow Ms. Lala's Child Care to continue to care for six to twelve children in conjunction with CLE 2015-41, as described hereinabove, subject to the performance standards for this use in Albemarle County Code § 18-5.1.56(b) and the conditions attached hereto.

* * *

CLE 2015-41 Ms. Lala's Child Care (Delois Grady) Special Exception Conditions

1. No outside activities before 10:00 a.m. or after 7:30 p.m. associated with this use;
2. Parking for child pick-up and drop-off and any employee not residing in the home shall be on-street only; and
3. Before the family day home for six to twelve children uses HOA common area for activities, the applicant shall provide evidence to the Zoning Administrator that it has obtained the consent of the HOA to use the HOA common area for that purpose.

**RESOLUTION TO APPROVE
SP 2015-04 GORDONSVILLE-SOMERSET**

WHEREAS, Merle Underwood Lawson and Robert J. Lawson, Trustees, under the Will of Albert J. Lawson, are the owners of Tax Map and Parcel Numbers 03700-00-00-01100 and 03700-00-00-011B0 (the "Lawson Parcels"), and Virginia Electric & Power Company is the owner of Tax Map and Parcel Number 03700-00-00-011A0; all of the owners of such parcels are referred to herein collectively as the "Owner" and the parcels are referred to herein collectively as the "Property" and

WHEREAS, Virginia Electric & Power Company holds a right-of-way easement on the Lawson Parcels to establish and maintain transmission facilities; and

WHEREAS, Virginia Electric & Power Company d/b/a Dominion Virginia Power (the "Applicant") filed an application for a special use permit to allow the replacement of existing power transmission lines and their supporting towers, and the application is identified as Special Use Permit 2015-00004 Gordonsville-Somerset ("SP 2015-04"); and

WHEREAS, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-10.2.2(6); and

WHEREAS, on April 21, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-04 with the condition recommended by staff; and

WHEREAS, on May 13, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-04.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-04 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-04, subject to the performance standards for this use in Albemarle County Code § 18-5.1.12 and the condition attached hereto.

SP-2015-00004 Gordonsville-Somerset Condition:

1. Transmission lines and supporting structures on Tax Map and Parcel Numbers 03700-00-00-01100 and 03700-00-00-011B0 shall remain within the right-of-way easement recorded at the Albemarle County Circuit Court in Deed Book 738, Page 758.