

ACTIONS Board of Supervisors Meeting of April 19		
20 April, 2023		
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Steve Rosenberg, and Claudette Borgersen. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> Requested to add authorization from the Board for the Chair to sign a letter regarding a Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge to item #20, By a vote of 6:0, ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members. <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> Mentioned that she held her first community meeting at Westminster Canterbury, which included budget discussions. Commented that she went on a farm ride on tractors and trucks courtesy of Paul Haney. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Mentioned that the previous nights meeting completed her budget Town Hall meetings for the White Hall District and thanked the Albemarle County Police Department for providing briefings and thanked community members who attended. Announced that the 57th rededication of the Dogwood Vietnam Memorial would be held on Friday, April 21 at 11am. Announced that Post 2044 will host a Memorial Day ceremony on May 29 at 10am at the Earlysville Center. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Announced that two-thirds of Virginia was currently abnormally dry, and central Virginia, including Albemarle County, was in a moderate drought. She remarked that combined with high winds, this made a prime environment for fires. She urged community members to be careful. Stated that she recently had the opportunity to tour the Van der Linde Recycling Center in Troy, Virginia, and she encouraged everyone to participate in learning about their processes. <u>Jim Andrews:</u> <ul style="list-style-type: none"> Announced that the second budget town hall for the Samuel Miller District would be held in connection with the 5th and Avon CAC meeting which was scheduled for April 20 at 7:00 p.m. at the 5th Street Office Building, Room B. <u>Donna Price:</u> <ul style="list-style-type: none"> Commented that 83% of the material dropped off at Van der Linde Recycling Center was recycled, and that she would like to see the Rivanna Solid Waste Authority research ways to improve recycling in that area. Mentioned that she had the opportunity to attend an open house at PVCC and met the new Virginia Community College System chancellor, David Doré. 		Link to Video

<ul style="list-style-type: none"> Noted that on the previous Sunday, she and Ms. LaPisto-Kirtley attended a community Iftar dinner for Ramadan. Made the following announcements: <ul style="list-style-type: none"> The grand opening of the Forum Hotel at the Darden School would be on Thursday, April 27. The therapeutic docket would be celebrating their five-year anniversary. There would be a public hearing for the tax rate next Wednesday. Stated that she had the pleasure of being invited back to her law school to be on a panel at a symposium. 		
6. Proclamations and Recognitions. <ul style="list-style-type: none"> There were none. 		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <u>Carol Fairborn</u>, West Lake Hills Community, spoke towards the Riverbend Development's Oak Bluff housing proposal. <u>Keith Smith</u>, Chair of the Piedmont Community Land Trust, provided an overview of the uses for the \$625,000 that the Board granted the Piedmont Community Land Trust. <u>Dade Van Der Werf</u>, spoke towards item #8.3 on the agenda. <u>Paul Haney</u>, Albemarle County Farm Bureau, Rivanna District, spoke towards the Farm Bureau Generally Assembly wrap up and DMV placards. 		
<p>The following individuals spoke towards item #10 on the agenda.</p> <ul style="list-style-type: none"> Valerie Long Neil Williamson <p>Note: By a vote of 6:0, the Board suspended the Rules of Procedure for Matters From the Public regarding public comment towards item #16, a public hearing on the Ordinance to Modify the Real Estate Tax Relief for the Elderly and Disabled.</p> <p>The following individuals spoke towards item #16 on the agenda.</p> <ul style="list-style-type: none"> Sally James Carmen Alicia Morale Perez Nies J. Dirk Nies 		
<p>Note: Mr. Andrews requested a discussion on item 8.3.</p> <ul style="list-style-type: none"> DISCUSSED. 		
8.2 Restated and Amended Note for the Lewis & Clark Exploratory Center of Virginia, Inc. <ul style="list-style-type: none"> ADOPTED the resolution to approve the amended and restated note for the repayment of the EDA's 2013 loan to the Lewis & Clark Exploratory Center. 	<u>Clerk:</u> (Attachment 1)	
8.3 SE202300002 Bellair Personal Wireless Facility Special Exception. <ul style="list-style-type: none"> ADOPTED the Resolution to approve the special exception with conditions 	<u>Clerk:</u> (Attachment 2)	
8.4 First Addendum to Clerk of the Board Employment Agreement.	<u>Clerk:</u> (Attachment 3)	

<ul style="list-style-type: none"> • APPROVED. 		
9. Presentation: Department of Social Services Advisory Board Annual Report Fiscal Year 2022. <ul style="list-style-type: none"> • RECEIVED. 		
10. Work Session: Proposed Affordable Dwelling Unit Ordinance. <ul style="list-style-type: none"> • HELD. 	Staff: Proceed as directed.	
11. Work Session: FY 2024 Operating and Capital Budget. <ul style="list-style-type: none"> • HELD. 	Staff: Proceed as directed.	
At 5:00 p.m., the Board recessed and reconvened at 6:00 p.m.		
14. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> • Presented the County Executive's Monthly report. 		
15. From the Public: Matters Not Listed for Public Hearing on the Agenda. The following individuals spoke towards funding the United Way Pathways to Housing and rent relief programs: <ul style="list-style-type: none"> • Elizabeth Starks • Lydia Brunk • Gabriel Komisar • Justin Roberts • Gustavo Espinosa • Frank Valdez 		
16. Pb. Hrg.: Adoption of an Ordinance to Modify the Real Estate Tax Relief for the Elderly and Disabled. By a vote of 6:0, ADOPTED the ordinance to modifying the real estate tax relief for the elderly and disabled program.	<u>Clerk:</u> (Attachment 4)	
18. Pb. Hrg.: Affordable Rental Housing Grant Program. <ul style="list-style-type: none"> • By a vote of 6:0 DEFERED. 	Staff: Notify Clerk when ready to schedule.	
22. From the Board: Committee Reports and Matters Not Listed on the Agenda. <ol style="list-style-type: none"> a. Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge. • By a vote of 6:0, AUTHORIZED Chair to sign a Letter of Support for the Botanical Garden of the Piedmont America the Beautiful Challenge. b. Other Matters. <u>Ann Mallek:</u> <ul style="list-style-type: none"> • Commented that the 1% for affordable housing was necessary, but she expressed concerns about the impacts on poorer homeowners 		
24. Adjourn to April 26, 2023, 6:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> • The meeting was adjourned at 9:34 p.m. 		

ckb/tom

Attachment 1 – Resolution Approving an Extension for The Repayment of the Lewis & Clark Exploratory Center Loan

Attachment 2 – Resolution to Approve SE 2023-00002 Bellair Personal Wireless Facility

Attachment 3 – First Addendum to The Clerk of The Board Employment Agreement

Attachment 4 – Ordinance No. 23-15(1)

RESOLUTION APPROVING AN EXTENSION FOR THE REPAYMENT OF THE LEWIS & CLARK EXPLORATORY CENTER LOAN

WHEREAS, the Board of Supervisors approved an appropriation of \$130,000 to the Economic Development Authority (EDA) to fund a loan for the Lewis & Clark Exploratory Center (LCEC) on April 3, 2013 to cover a shortfall in construction costs of the center and surrounding site;

WHEREAS, the loan agreement and note to the LCEC was originally executed on April 17, 2013 with a due date of October 17, 2013;

WHEREAS, the note was first amended on February 8, 2017, and then again on December 21, 2017, with a subsequent due date of June 30, 2018;

WHEREAS, the LCEC executed on February 9, 2023 and the EDA approved on February 21, 2023, an amended and restated note extending repayment of the outstanding balance on terms and conditions;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors approves the EDA extending the LCEC's repayment of the EDA's 2013 loan as stated in the amended and restated note.

**RESOLUTION TO APPROVE
SE 2023-00002 BELLAIR PERSONAL WIRELESS FACILITY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2023-00002 Bellair Personal Wireless Facility application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement and that the proposed special exception would not have adverse visual impacts.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) as specified in the SE 2023-00002 application, provided that the farthest point of the back of any antenna authorized by this special exception may not project more than 30 inches from the face of the monopole.

FIRST ADDENDUM TO THE CLERK OF THE BOARD EMPLOYMENT AGREEMENT

This First Addendum to the Clerk of the Board Employment Agreement ("First Addendum"), is made this 19 day of April, 2023, by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS** (the "Employer") and **CLAUDETTE K. BORGERSSEN** (the "Employee").

The parties agree to the following amendment to the Clerk of the Board Employment Agreement dated July 11, 2018, by and between the Employer and the Employee (the "Agreement"):

1. The first sentence of Section 4 (Compensation) is deleted and the following is inserted in its place: "Effective May 6, 2023, Employer shall pay Employee, and the Employee accepts from Employer, an annual salary of \$71,087.00 payable in installments as provided for County employees generally."

2. Except as amended above, the Agreement shall remain in full force and effect and the Employer and Employee hereby ratify and affirm all provisions, terms, and conditions set forth in the Agreement.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this First Addendum to the Clerk of the Board Employment Agreement to be signed and executed on its behalf by its Chair, and the Employee has signed and executed this First Addendum, both in duplicate, the day and year first above written.

ORDINANCE NO. 23-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 7, REAL PROPERTY TAX, 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 15, Taxation, Article 7, Real Property Tax, is hereby amended as follows:

By Amending:

Sec. 15-709 Real property eligible for an exemption.
Sec. 15-710 Amount of exemption.

Chapter 15. Taxation

Article 7. Real Property Tax

Sec. 15-709 Real property eligible for an exemption.

Real property that satisfies all of the following requirements is eligible for the exemption established in County Code § 15-708:

- A. *Age or disability.* The eligible owners shall have either:
 - 1. *Age.* Reached the age of 65 years prior to the taxable year for which the exemption is claimed; or
 - 2. *Disability.* Become permanently and totally disabled prior to the taxable year for which the exemption is claimed.
- B. *Ownership.* The eligible owners shall have title or partial title in the dwelling. Any interest under a leasehold or for term of years is neither title nor partial title. The eligible owners claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
- C. *Joint ownership.* Jointly owned dwellings are eligible for the exemption in the following circumstances, provided that any other requirements for the exemption are satisfied:
 - 1. *Joint ownership with spouse.* A dwelling jointly owned by a husband and wife may qualify if either spouse is 65 years of age or older or is permanently and totally disabled.
 - 2. *Joint ownership with person other than spouse.* A dwelling jointly owned by two or more persons, all of whom are either 65 years of age or older or are permanently and total disabled.
- D. *Occupancy of the dwelling.* The eligible owners shall occupy the dwelling as that owner's sole dwelling.
 - 1. *Business uses limited.* The dwelling may not be used in a business that is required to pay a County business license tax or fee.
 - 2. *Residing in medical or mental care facilities for extended periods does not disqualify.* An eligible owner's residence in a hospital, nursing home, convalescent home, or other facility for physical or mental care for extended periods of time for extended periods does not disqualify the real estate from the exemption. The dwelling continues to be the sole dwelling of the eligible owner during these extended periods in a facility, provided that the real estate is not used or leased to others for consideration.
- E. *Manufactured homes.* A manufactured home is real estate eligible for the exemption if the eligible owner demonstrates to the satisfaction of the Director of Finance that the manufactured home is permanently affixed. Either of the following is evidence that the manufactured home is permanently affixed:
 - 1. *Ownership and connection to water and sewage lines or facilities.* The eligible owner owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or
 - 2. *Permanent foundation or connected rooms or additions.* The manufactured home rests on a permanent foundation and consists of two or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other

connected rooms or additions which must be removed before the manufactured home can be towed on a highway.

F. *Maximum annual income allowed.* The total combined income shall not exceed \$83,850 for the calendar year immediately preceding the taxable year.

G. *Maximum net combined financial worth allowed.* The net combined financial worth shall not exceed \$250,000.00 as of December 31 of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord. of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord. 12-19-90; Code 1988, § 8-26.1; § 15-704, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 14-15(3), 9-3-14; § 15-709, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22; Ord. 23-15(1), 4-19-23, effective 1-1-23);

State law reference(s)—Va. Code §§ 58.1-3210 —58.1-3215.

Sec. 15-710 Amount of exemption.

The exemption established by this article shall apply only to the real property taxes for the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated. The amount of the exemption for any taxable year is as follows:

Percentage of Real Estate Tax Exempted		
		Net Combined Financial Worth
		\$0-250,000
Total	\$0-\$41,925	100.00%
Combined	\$41,926 - \$62,888	75.00%
Income	\$62,889 - \$83,850	50.00%

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; § 15-705, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11; § 15-710, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22; Ord. 23-15(1), 4-19-23, effective 1-1-23);

State law reference(s)—Va. Code § 58.1-3212.

This ordinance is effective on and after tax year 2023 that begins on January 1, 2023.