

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 12, 2016, at 3:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from October 11, 2016. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas Foley, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:02 p.m. by the Chair, Ms. Palmer.

Ms. Palmer introduced staff present and the presiding security officer, Officer Chris Levy.

---

Agenda Item No. 2. **Joint Work Session with School Board:**

School Board Members Present: Ms. Kate Acuff, Mr. Jonathan Alcaro, Mr. Jason Buyaki and Mr. Stephen Koleszar.

School Board Members Absent: Ms. Pamela Moynihan, Mr. David Oberg and Mr. Graham Paige.

School Staff Present: Dr. Pam Moran, Superintendent, Mr. Dean Tistadt, Chief Operating Officer, Mr. Jackson Zimmerman, Executive Director of Fiscal Services, Mr. John Blair, Senior Assistant County Attorney, and Mrs. Jennifer Johnston, Clerk.

At 3:02 p.m., Ms. Acuff called the School to order.

---

Item No. 2a. Annual Update on Employee Compensation, Health Insurance and Other Benefits.

The Executive Summary presented to the Board states that the School Board and Board of Supervisors (the "Boards") approved a Total Compensation Strategy in 2000 with specific targets for employee and teacher salaries of an adopted market and target benefits slightly above market levels. On October 12, the Boards will engage in a joint work session to receive information on the results of staffs' findings based on the annual compensation market analysis, pay compression challenges and remedy, ongoing compensation projects, updates on the current state of and future changes to the County's health insurance program, wellness initiatives, and information regarding leave and disability insurance programs. This information is provided for the Boards' consideration as the Boards provide feedback to the County Executive and Superintendent for the upcoming FY 18 budget process.

1) **Compensation:**

The County's FY 17 pay increase results in meeting the County's market target for teachers, classified and administrative employees. Market Analysis indicates:

- Classified. In July 2016, classified staff received a 2% salary increase (this was a flat increase, with no differential for performance). The median salary increase for localities in the County's adopted market was also 2%.
- Teachers. Staff applied an average of 2% increase to the teacher scale. This allowed the County to reach its target of the 75th percentile.
- Compression. For classified employees, salary compression among existing employees is creating morale and hiring challenges. Staff will present a proposed remedy and costs to address compression on October 12.

2) **Benefits:**

- Health Insurance. Offering competitive medical plans is a major consideration each year. To ensure the ongoing sustainability of the plan and the County's continued ability to offer excellent and affordable health insurance options to employees, the County has taken numerous steps in recent years. Staff will provide an update, including measures taken this year, as follows: completed a dependent eligibility review process, initiated a medical program evaluation review to assess whether the County's current health plan meets the County's objectives, selected Anthem as the County's new medical, dental, and pharmacy plan administrator and offered a new plan choice, a High Deductible Health Plan (HDHP) with a qualified Health Savings Account (HSA).
- Leave. Effective January 1, 2014, VRS mandated a new "Hybrid Plan" for new employees which, among other things, does not offer the option of disability retirement. Instead, Hybrid Plan members receive mandated employer-paid short-term and long-term disability coverage. These mandated benefits create inconsistencies between the County's and School Board's current leave programs and leave benefits that must be provided to Hybrid Plan members. Staff believes that providing a unified short and long term disability plan for all employees is optimal.

This information is presented to the Boards to inform for the upcoming budget process for the FY18 budget.

The purpose of the joint work session of the Board of Supervisors and School Board is for Board members to receive information on the following:

- 1) Market salaries and compression based on staff research and analysis;
- 2) Pay for performance program;
- 3) Compensation initiatives;
- 4) Ongoing work occurring with regard to the health insurance plan and wellness initiatives.

Staff will provide more detailed analysis regarding the health insurance plan at the Board work session on February 8, 2017.

Final recommendations by the County Executive and Superintendent will be based on the availability of adequate funding.

---

Ms. Lorna Gerome, Director of Human Resources, addressed the Board. Ms. Gerome stated that she will share results of the Summer Market Survey and provide an update on upcoming work. She introduced members of her staff who will present in their areas of expertise: Ms. Dana Robb, Compensation Manager; Ms. Claudine Cloutier, Benefits Manager; and Ms. Leanne Knox, Safety and Wellness Manager. She said as it is early in the budget process, they are not asking for direction or action from the Board, but are providing information to assist them with the budget planning process. She stated that HR will be attending the November 9 joint meeting to share information and provide highlights from the school and local government annual reports, as well as analysis of employee exit interviews.

Ms. Gerome commented that employees are critical to the success of educating students and serving citizens. She referenced positive feedback they have been receiving about police officers and social services employees, and stated that compensation and benefits are a critical component in attracting, retaining and engaging a high caliber of employees. She presented slides, with the first slide displaying an agenda consisting of items related to compensation: the Board-adopted process, a market survey analysis, World at Work projections, initiatives, and compression challenges and recommendations; and items related to benefits: an overview of the self-funded health plan, recent actions taken to manage the health program, planned actions, program changes and wellness initiatives for the coming year, and the leave and disability program.

Ms. Gerome stated that the Board-adopted strategy is for a compensation target for classified staff to be at the median of the market or 50<sup>th</sup> percentile, and for teachers to be in the 75<sup>th</sup> percentile. She said they do an annual survey of local governments, the adopted market, consisting of several eastern states, to compare the County's compensation for employees and teachers with those of public sector salaries in the region. She said that for many years they have also used projections from the World at Work survey, and they use data from these two surveys to determine salary increases. She said that last year the adopted market median compensation increase was 2%, which Albemarle County followed. She said that for next year, World at Work is projecting a 2.9% compensation increase. Ms. Gerome stated that her office was asked to find other surveys that might be more reliable and investigated several, and found that the other surveys were not as comprehensive, showing similar estimates for compensation. She next focused on teacher salaries and explained the step-scale of compensation based upon years of experience. Ms. Gerome stated that last year, they provided teachers with an average salary increase of 2%, which was determined from both step-scale and World at Work data. She showed slides that compared Albemarle County teacher salaries to those of other counties in Virginia, with Albemarle being in the top 25% of salaries, which is their target. For classified County employees, they provided a 2% salary increase last year. Ms. Gerome said the County's pay for performance plan allows additional increases for employee performance as well as for those whose salary is below the market average. She invited Dana Robb, Program Manager for Compensation and Rewards, to provide additional information.

Ms. Dana Robb addressed the Board and explained that HR conducts periodic departmental compensation and benefits reviews. She stated that last year, they reviewed the compensation of teaching assistants, IT/DART, Community Development and Extended Day Enrichment Program employees, and this year will review the Emergency Communication Center, Finance, Fiscal Services, Department of Social Services, Housing, school administrative employees, the County Attorney, Transportation, and Facilities and Environmental Services. Ms. Robb stated they also conduct ad hoc reviews of individual positions if the manager has determined the responsibilities of the position have changed or evolved. She explained that within public safety positions, they provide salary increases to those who have received additional training or certifications, and among teachers and classified staff who have reached the top of the pay scale, they provide lump sum payments based upon attainment of longevity steps.

Ms. Robb stated that on July 1, 2016, they implemented the School Division Compensation Broadbanding pilot program, which allows for staff development of employees at pay grades of 20+. She said in the future, they will provide the findings from the pilot to the Board. She stated they have pulled together a team of public safety employees to conduct a public safety pay scale review, comparing pay to that of other localities, and will provide results of the study next year. Ms. Robb said that as of December 1, 2016, new regulations under the Fair Labor Standards Act will take effect, and she noted the regulations increase the exempt employee salary threshold from \$23,660 to \$47,476, currently affecting four County employees. She stated they will conduct monthly audits to make sure they are compliant with

FLSA. Ms. Robb said that last year, they conducted a compression analysis and identified departments and employees experiencing salary compression. She explained how compression signifies the difference in salary between experienced and newly hired employees, and to attract a new employee, they may have to offer a higher salary than that of an existing employee, which can lead to problems with employee morale.

Ms. Robb said that by not offering a competitive salary, it can take a long time to hire someone, which then requires employees to work overtime to cover the work of the vacant position. She stated that while this affects all departments, it is particularly acute with police, fire and rescue, transportation, child nutrition, and elementary school principals and assistant principals. As a remedy to address compression, she offered the following proposed solutions for classified employees: assume an employee should be paid the market rate after eight years in the same position; place affected employees in a range based on their time in a position, up to the mid-point; modify the current structure by increasing minimum hourly compensation from \$9.75 to \$10.00; and collapse pay grades 1-4 into one pay grade. She stated that these measures would allow the County to be consistent with the current compensation strategy, allow for competitive hiring offers, and would preserve internal equity. Ms. Robb added that employees not meeting performance standards would not be eligible.

Mr. Buyaki commented that he appreciates their not granting pay increases to poorly performing employees.

Ms. Mallek asked for clarification of how they determine that the County is in the top quartile for teacher compensation, and whether it has to do with the budget or salary levels. Ms. Gerome replied that it is based upon the adopted market, and 26 localities are within this market.

Mr. Randolph commented that even with compression adjustments, there will still be cases of employees coming from major metropolitan areas, so the adjustments will not be able to fully address these situations. He said he supports their efforts, but commented how those employees relocating from major markets will have to do a tradeoff.

Ms. Acuff asked for clarification from Ms. Gerome and said her understanding is that they compare teacher salaries with those of similar localities, and not with those in metropolitan areas. Ms. Gerome explained that they look at the background and experience of a candidate. She said they have lost some candidates because the County is not willing, in most cases, to leapfrog new employee salaries over those of existing employees. She said one trend is to not consider a candidate's prior salary, as this can perpetuate a gender gap. She confirmed that Ms. Acuff's comments are correct, and they do compare salaries with those of similar localities.

Mr. Buyaki asked if the candidates they hire perform at a satisfactory level when they are not able to attract the ideal candidate for a position. He commented that the County has a strong employee training program. Ms. Gerome replied that sometimes they do a good job and sometimes not, adding that they often will make a second or third recruitment effort to find an ideal candidate.

Ms. McKeel said she is still confused about compression, particularly with the Police Department and Transportation, as these areas have been losing many employees. Ms. Gerome said they had a 2% market adjustment salary increase last year and will use the same model this year.

Mr. Randolph stated that in addressing compression, they should also keep statistics on the nationality, race, and gender of new employees to make sure there are not pay gaps among different demographic groups. He said it is important to demonstrate they are fair and even-handed in hiring. Ms. Gerome responded that they do maintain these statistics.

Ms. Acuff commented that when discussing compression, they are looking at salaries in isolation and not considering the cost of training and recruiting. She said that when considering the cost of compression in the budget, they should look at these related costs. She provided examples of how they have lost employees in transportation and child nutrition and have to spend money training new employees.

Ms. Gerome offered to bring cost of turnover information to the November 9 meeting.

Ms. Acuff and Ms. McKeel both expressed interest in this information.

Mr. Koleszar asked if they are seeing more turnover in positions that are comparable to the private sector versus those that are governmental, stating that they may want to consider identifying certain positions for which they can use a different market.

Mr. Dill said he wonders how they look at people that have potential, stating that they may hire someone for a job that has certain requirements, and the employee may have other skills that are not required of the current position but could be valuable in the future.

Ms. Gerome described compensation as an art, and noted that those who like very prescriptive and defined boundaries have trouble with this. She said they try to factor this in, but it is not a mathematical formula and is case specific.

Ms. Gerome introduced health insurance as the next topic. She reviewed the objectives of the health plan as follows: to be affordable and slightly above market, address individual and family needs,

retain compliance with Affordable Care Act, and ensure a self-funded plan with 20-25% reserve target. She said the current provider is Anthem and they have stop-loss insurance. She invited Claudine Cloutier to address the Board about the management of the health care plan.

Ms. Claudine Cloutier addressed the Board. She stated that it has been a busy year in benefits and provided a list of accomplishments for 2015-2016: implemented deductibles (1/15), changed spousal eligibility criteria (10/15), conducted dependent eligibility review (2016), selected Anthem as medical/dental/RX administrator (10/16), analyzed market data (2016), and offered a new consumer-driven high-deductible health savings account (10/16).

Ms. Cloutier reported that the deductible is \$500/individual and \$1,000/family, which will be maintained this year. She said they used HMS Employer Services to review spouse and dependent eligibility and have changed spousal eligibility so that spouses having employer-sponsored ACA-compliant coverage are no longer eligible to participate in the County plan. She said as a result of these steps, they lost 349 spouses and 120 dependents. She said cost savings are approximately \$3,500 per person removed from the plan, according to HMS estimates, which totals \$1.6 million in savings to the County. She said after a three-month assessment, they selected Anthem as the provider for medical, dental, and pharmaceuticals. She said she has been impressed with Anthem, and they have been very responsive and good to work with. Ms. Cloutier stated they are conducting an ongoing study of health care plans of similar employers. She said the Albemarle Choice Plan is a new consumer-driven plan, and HR has spent time educating staff during open enrollment about this new, high-deductible plan, now at 12% participation, which is still growing. Ms. Cloutier provided statistics on health plan participation, stating that of the 693 County employees that earn under \$40K/year, 71 selected the Choice Plan, 521 chose the Select Plan, and 15% did not select any health insurance plan.

Ms. Mallek asked if those who chose the Choice Plan tend to be younger employees. Ms. Cloutier responded that her information is only anecdotal and she believes it is a range of ages, offering to provide the data to the Board.

Mr. Randolph asked what her expectation is for inflationary costs to the plan for FY18, and asked if 6-8% is a good estimate. Ms. Cloutier agreed with Mr. Randolph's estimate, noting that staff has not yet looked at the numbers.

Mr. Dill asked if the health savings account allows employees to access a broader range of services, such as massage therapists and chiropractors. Ms. Cloutier replied that the IRS sets the standard for reimbursement eligibility, and staff educates employees as to their benefits, with the FSA and HSA working together.

Ms. Mallek asked if prescription drugs can only be purchased online. Ms. Cloutier said they have the flexibility to purchase online, mail order, or at the retail pharmacy.

Mr. Randolph asked if they have investigated the legality of establishing a prescription drug mail order plan with Canadian pharmacies, as their costs are about half of what the costs are in the United States. He stated that it is worth exploring. Ms. Cloutier said they have not investigated this, although they do have performance guarantees with Anthem regarding costs.

Ms. Cloutier continued her presentation and listed areas of study: evaluating self-insurance, evaluating local choice options, reviewing claims data, changing the contribution strategy to get rates closer to usage among tiers and align with the market, and avoiding the Cadillac tax.

Ms. Cloutier explained that if two employees are married, the County's contribution to each of their insurance plans is greater than the cost of the plan, so there is no premium to pay by the employee.

Ms. McKeel asked if it is true that school bus drivers are the only employees that currently receive the full health insurance contribution, noting that this is done for retention purposes. Ms. Cloutier confirmed this.

Ms. Palmer asked if there is a financial incentive for County employees to marry other County employees. Ms. Cloutier responded that in her case it worked out this way, with two married employees getting free insurance, and the Transportation Department uses this as a recruitment tool.

Ms. Cloutier continued and addressed retiree health benefits. She said they allow retirees to stay on the plan and allow those who do not stay on the plan to receive the Board's contribution as a cash payment for five years or age 65, whichever comes first, with age 50 being the youngest age at which one can receive this payment. Ms. Cloutier said that one must have worked for the County at least 10 of the past 13 years prior to retirement and be eligible for VRS.

Mr. Dill said it appears as if they are encouraging people to retire early, but yet they have a shortage of employees. Ms. Cloutier replied that she would not say they are encouraging people to retire early, but she views this benefit as a safety net.

Ms. Mallek said that in 2009-2010, they offered retiree health insurance as an incentive to have people retire to reduce the workforce.

Ms. Palmer asked for more clarification regarding married County employees not having to pay for health coverage. Ms. Cloutier provided her own example and confirmed that she does not have to pay

for insurance, although she and her spouse are not receiving a cash payment.

Ms. Mallek commented that in the past the County covered 100% of employee premiums, although this has been reduced over the years.

Ms. Leanne Knox addressed the Board and discussed initiatives including: the "Lose Well" weight loss program, onsite mammography, flu shots, a Fitbit subsidy, and activity tracker challenges. She described the successes of the Lose Well program. Ms. Knox reported that the mammography plan is part of the health insurance plan, and they allow employees to bring dependents to utilize the mammography service at County job locations. She said the flu shot program has been very successful, and they offer it at all schools and fire and rescue stations. Ms. Knox said that this year they have introduced tetanus and diphtheria vaccinations as an additional benefit. She said employees have been very enthusiastic about Fitbit wristbands that track exercise activity, noting that there are different models of varying costs, with the employee paying a portion. Ms. Knox said that for activity tracking, they put out a request for proposal from which Anthem was selected, and this is just being rolled out. She described some additional initiatives they are evaluating, such as flex-time for wellness, incentivized disease management, risk assessment, and biometric screenings or annual physicals.

Ms. Acuff asked if chronic illness management within the wellness program is offered to family members or just to employees. Ms. Knox responded that it only covers employees, but it would be prudent to look at expanding this to cover family members. She said the Fitbit program only covers employees, but they can look at expanding this as well.

Ms. Palmer asked if these programs are available to part-time employees. She asked what effect these benefits have on insurance costs, and wonders if these incentive programs reduce the insurance premium with the provider. Ms. Knox responded that part-timers are eligible if they are benefits eligible, and flu shots are available to all employees. She reminded the Board that the County has a self-insured plan, and they are being mindful of their own dollars. She stated that as a result of the weight-loss program, they have had two examples in which employee medication prescriptions were eliminated or reduced.

Mr. Randolph expressed his support for the Fitbit program and said he purchased one for his wife, noting that the battery runs down quickly. He expressed his support for the value of maintaining annual physicals as part of the health plan, particularly for skin cancer identification.

Mr. Dill asked if employees have an option to form wellness groups such as yoga, cycling, chronic disease, etc. Ms. Knox said they offer "Be Well" grants that allow school, building or departmental activities, and identified a running group at Baker-Butler Elementary School as an example.

Mr. Randolph said he would love to see the establishment of County cycling and running teams to participate in charity fundraising events, and offered to help staff in setting something up.

---

(Note: At 4:28 p.m., Ms. Acuff adjourned the School Board meeting.)

---

Agenda Item No. 3. Closed Meeting.

At 4:28 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1) the negotiation of an agreement for, and possible relocation of, court facilities; 2) a pending special use permit for Restore'N Station; and 3) a revenue sharing agreement. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

---

Agenda Item No. 4. Certify Closed Meeting.

At 6:07 p.m., the Board reconvened into open meeting and Mr. Dill **moved** to certify that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

---

Agenda Item No. 5. Call back to Order. At 6:07 p.m., Ms. Palmer called meeting back to order. Ms. Palmer then reintroduced staff and Officer Levy.

Agenda Item No. 6. Pledge of Allegiance.  
Agenda Item No. 7. Moment of Silence.

---

Agenda Item No. 8. Adoption of Final Agenda.

Ms. Palmer stated that the Board will be removing Agenda Item #13, from the agenda in order to continue work on the Memorandum of Understanding. She said this item will be taken up at the November 2, 2016, Board meeting.

Ms. Mallek **moved** to adopt the final agenda, as amendment. Ms. McKeel **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

---

Agenda Item No. 9. Brief Announcements by Board Members.

Mr. Randolph said he and Supervisor Sheffield attended last night's meeting of the Buckingham County Board of Supervisors to discuss the prospective Scottsville Hub project, which proposes to expand social services to serve a regional market of Buckingham, Fluvanna, and Nelson counties.

Mr. Randolph announced that beginning in FY17, the Thomas Jefferson Planning District Commission (TJPDC) will provide each County member locality a separate activities program account along with a regional activities account of staff hours dedicated to specific projects. He stated that the TJPDC is asking members to help identify priority projects they want TJPDC to support, and Albemarle will not incur any costs beyond what it pays annually. He added that he expects them to dedicate approximately 200 hours to Albemarle County.

---

Ms. Mallek announced that she has distributed a brochure from Albemarle County Fire & Rescue about burn laws. She said the brochure addresses rules regarding the burning of leaves, and it will be helpful in addressing constituent questions.

Ms. Mallek announced that on October 31, 2016, as the deadline for new applicants to file for real estate tax relief, stating that this program is available to those who are disabled or low income.

Ms. Mallek announced that yesterday she was a chaperone for a tech tour with students and guidance counselors from Monticello H.S. She said they toured Locust Health, a provider that works with patients to reduce hospital readmissions, as well as the University of Virginia Medical School Anatomy Laboratory.

Ms. Mallek announced her attendance at last week's Arts & Crafts Festival in Crozet and said she represented three citizen organizations: the Artisan Trail, the Blue Ridge Tunnel, and the Natural Heritage Chimney. She said that many people expressed interest in all three projects, with a particular interest in developing a walking/biking trail in the western portion of the County that will go through the Blue Ridge Tunnel into Waynesboro. She said she supports this effort and hopes it can be completed.

---

Ms. McKeel announced that yesterday she attended a ceremony in Charlottesville to add four names to the plaque at the Drewary Brown Bridge: Mitch Van Yahres, Luther D. Cooley, Teresa Walker Price, and Holly Edwards. She encouraged people to walk along the bridge and view the names.

---

Ms. Palmer announced that over the weekend, she had attended the Southern Albemarle Work Expo, a fundraising event for the Scottsville Volunteer Rescue Squad. She said that a variety of school groups participated and highlighted the role of technology in education.

---

Agenda Item No. 10. Proclamations and Recognitions:

Item No. 10a. Proclamation recognizing October as Domestic Violence Awareness Month.

Ms. McKeel **moved** to adopt the following proclamation recognizing Domestic Violence Awareness Month. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

Ms. McKeel then asked Ms. Jenny Baker to come forward and accept the proclamation.

**PROCLAMATION**

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 37<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that we, the Albemarle County Board of Supervisors, do hereby proclaim the month of

**October 2016**  
**as**  
**DOMESTIC VIOLENCE AWARENESS MONTH**

and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

Signed and sealed this 12<sup>th</sup> day of October, 2016.

Item No. 10b. Proclamation recognizing October 23 – 31, 2016 as Red Ribbon Week.

Ms. Palmer **moved** to adopt the following proclamation recognizing Red Ribbon Week. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

Ms. Palmer then asked Mr. Cody Jackson to come forward and accept the proclamation.

**PROCLAMATION**

**Whereas**, communities across America have been plagued by numerous problems associated with illicit drug use and those that traffic in them and where citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**Whereas**, hope lies in education by organizations to foster a healthy, drug-free lifestyle and where the red ribbon has been chosen as a symbol to represents the belief that one person can make a difference ; and

**Whereas**, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**Whereas**, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

**October 23-31, 2016,**  
**as**  
**RED RIBBON WEEK**

in Albemarle County and urge all citizens to join in this special observance.

Signed and sealed this 12<sup>th</sup> day of October 2016.

Item No. 10c. Proclamation recognizing October as Wine Month.

Ms. Mallek **moved** to adopt the following proclamation recognizing Wine Month. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

**Proclamation  
Virginia Wine Month**

**WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now fifth in the nation both in wine production and in number of wineries and with wine sales growing 34 percent since 2010, to 6.6 million bottles of Virginia wine sold worldwide in fiscal year 2016; and

**WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; and

**WHEREAS,** many of Albemarle's more than 30 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and

**WHEREAS,** in 2015 Albemarle County had the most bearing acres of grapes of any area in the state--570 acres, or 18% of the state's total bearing acres -- and is part of the central region of Virginia which produced the most tons of grapes -- 3,691 tons, or 42.5% of the total in the state in 2015; and

**WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.

**NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors, does hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2016, Virginia Wine Month.

Signed and sealed this 12<sup>th</sup> day of October, 2016.

---

Agenda Item No. 11. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. John Martin of the White Hall District addressed the Board. He said he will address the Economic Development Authority matter, which was removed from the agenda. He expressed his concern with the last paragraph of the draft MOU amendment, in particular the use of the word "forever." He said he is concerned the language will have the effect of bargaining away power under Virginia Code Section 15.2-4903 to limit the type and number of facilities an authority may finance under this chapter. He said he does not think this is the Board's intention, but suggested that it be addressed. He said that reviewing the new draft has reinforced his opinion that the best way to establish the relationship with the EDA is through the method established under the Virginia Code, which is by ordinance. He recommends that County Attorney, Greg Kamptner, draft an ordinance to accomplish what the Board wishes to accomplish, and that the ordinance can be amended in the future to address immediate concerns that affect the community.

---

Mr. Tom Olivier of the Samuel Miller District addressed the Board. He said he will discuss the MOU with the Economic Development Authority, which has been removed from the agenda until November. He expressed his concern with the language in Item 4a, "the EDA will obtain prior approval of the County Board of Supervisors before it promotes and advocates establishing or promoting businesses on land designated as a rural area in the Comprehensive Plan that are inconsistent with land use policies of the rural area." He said there are two different interpretations of this language: the first interpretation could be as an admonishment to not promote to the public the idea that they would like to have nonconforming uses in these areas; a second interpretation is that if there is a desirable nonconforming use, they should encourage an applicant to come before the Board. He described the rural areas as vital and precious, and said that in the coming decades it will be necessary to redouble efforts to protect them. He suggested the language of 4a be cleared up and hopes that replacement language will support protection of rural areas as stated in the Comprehensive Plan. Referencing the point made by the prior speaker, Mr. Martin, about mutual agreement being necessary to rescind the MOU, he agreed that it



seems to grant the EDA all sorts of powers, which can be a dangerous situation.

---

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He expressed concern with Items 4b and 4c of the MOU draft, which require Board approval for EDA actions in the rural area, but only on parcels that are not zoned Rural Area. He said that without the Board's oversight and consent, the EDA can promote development and acquire land in almost 99% of the rural area and would only have to obtain Board approval for land that is not zoned Rural Area. He said the EDA could place pressure on the Board to approve growth area expansion. He said that over the years, the Free Enterprise Forum has repeatedly raised concerns about the Board granting authority and yielding to the influence of unelected groups and committees. He said this MOU concedes too much authority to the unelected EDA, and the Board should not yield interpretation of the Comprehensive Plan and authority to purchase property without a public process.

---

Mr. Tom Loach of the White Hall District addressed the Board. He expressed the same concern as the previous speakers about the MOU draft granting too much authority to the EDA, and said he is sure that other community advisory committees would feel the same.

---

Ms. Jo Higgins addressed the Board. She said that as Restore'N Station will not have a public hearing tonight, she would like to share comments on items pertaining to commercially zoned land. She stated that rules are in place to provide a level playing field to all those who invest and purchase property in the County, both residential and commercial. She said that even if land is zoned commercial and one abides by the rules, providing setbacks and buffers to non-commercial properties, as required in the zoning ordinance, the landowner is at risk to lose his investment because the rules are applied differently to different people in different locations. She said the zoning ordinance needs to be changed to spell out that commercial land outside the growth area is to be treated differently than land within the growth area. Ms. Higgins stated that Albemarle County collected taxes for over 30 years based on the commercial assessed value of Restore'N Station and other properties not yet developed. She said the County should be aware that the assessor does not adjust for location based upon Comprehensive Plan areas, and the tax burden is the same: taxes are paid on the entire area of land and when the parcel comes in for development, and the rights of the landowner can be taken away when the zoned uses are not allowed or buildings are not allowed, even when the water limit cannot be physically exceeded. After buffers and setbacks are met, she said, it is important to develop the land to support the land cost, design and engineering, and processing costs, with significant costs added to meet entrance corridor, storm water, VDOT, and other requirements imposed on new development.

Ms. Higgins asked the Board to give serious consideration to changing the ordinance, rather than withholding the rights of certain landowners to expand uses on their land, such as Restore'N Station, so the owner can compete fairly in the market and operate his business to support his family and meet his financial obligations. She referenced a sheet she had given to the Clerk, which provides a graphical representation of four acres with 400 gallons per acre allocated, the price of the land, and real estate taxes. Ms. Higgins pointed out a scale of comparison of 250 gallons on one acre, which she said is 62% of one acre, with the remaining 1,300 gallons not being used. She said the only reason a special use permit was done was because zoning required it and asked for use of one gallon, which they have not used. She said that over the last month they have done several non-water design features that have been incorporated into the concept plan to mitigate the concerns of neighbors, and asked that the Board approve the amendment with the 11 conditions as written. She said the existing conditions have caused the first tenant operator of the convenience store to fail, so the property is not being operated by the landowner. She referenced a petition of 400 signatures that expressed support for the amendment.

---

Mr. Jason Crutchfield, resident of Crozet, addressed the Board. He said he is a neighbor to Restore'N Station and is against its expansion. He said new businesses should work with the community and consider previous master planning and reach out to neighbors who are in opposition, but this business owner has not reached out to those in opposition. He stated that a business should have a business plan from the beginning and that the success of a business is not the problem of the community. Mr. Crutchfield said if they allow the business more leeway to expand, they will be setting themselves up for more potential failures and business requests for assistance in the future. He said the property is 100-200 feet from his property and if there were to be a fire at the repair shop they want to build there, it would be a risk to his property if they do not have a water resource. He said the owner keeps bringing up other properties and businesses in the community in discussions. He referenced Mr. Dill's comments at the last meeting about Pro Renata and their hours of operation, noting that Pre Renata closes at 10 p.m. and they have not had a problem with them. Mr. Crutchfield stated that if there were a problem, he feels he could talk to the doctor who owns that business and work something out, as he maintains a great relationship and cooperates regularly with residents. He stated his opposition to the expansion due to safety issues and peace of mind and is concerned about noise from the auto repair shop. He said Yancey Mills was brought up and that noise from there is a slow "hum" that is barely recognizable. He described noise from Restore' N Station as trash cans and people talking and imagines it will be worse with expansion.

As no other individuals wished to speak, Ms. Palmer closed this portion of the meeting.

**(Discussion:** Ms. Mallek asked to pull her portion of the minutes of May 4, 2016.)

Ms. McKeel **moved** to approve Items 12.1 (as read) through Item 12.4 on the consent agenda. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

---

Item No. 12.1. Approval of Minutes: May 4, 2016.

Ms. Palmer had read her portion of the minutes of May 4, 2016, pages 47 (begin #10) – end, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read, and carried the other portion of the May 4, 2016 minutes to the next meeting.**

---

Item No. 12.2. SDP-2016-00018 Better Living Berkmar - Special Exceptions to Setbacks.

The Executive Summary forwarded to the Board stated that the Applicant proposes to construct a two story building with associated parking, leasable office space, and outdoor storage and supply pick-up areas for the relocation of Better Living Building Supply to two parcels on Berkmar Drive (Attachment B). Three (3) special exceptions are requested: 1) to increase the required maximum front setback; 2) to reduce the required side setback for the proposed building and to eliminate the required side setback for the proposed parking; and 3) to permit the disturbance of the required buffer zone.

County Code §§ 18-4.20 and 18-21.7 authorize the Board to approve special exceptions to modify or waive the County's setback requirements pursuant to County Code §§ 18-33.5 and 18-33.9. It is staff's opinion that granting these special exceptions creates consistency throughout the block and recognizes the intended direction of development pursuant to the Comprehensive Plan, while making possible an improved site design that brings the main building closer to compliance with the maximum front setback and facilitating a unique parking and circulation pattern for the proposal. See Attachment C for staff analysis of the request.

No budget impact will result from authorizing these special exceptions.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the three (3) special exceptions.

**By the above-recorded vote, the Board adopted the following resolution approving three special exceptions:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP 2016-00018 BETTER LIVING BERKMAR**

**WHEREAS**, B Properties, LC (the "Owner") is the owner of Tax Map and Parcel Numbers 04500-00-00-112B0 and 04500-00-00-112A0 (the "Property"); and

**WHEREAS**, the Owner filed a request for a special exception in conjunction with SDP 2016-00018, Better Living, to modify the front setback requirements of County Code § 18-4.20(a)(2) to increase the maximum front setback from 30' to 83'; to modify the side setback requirements of County Code § 18-4.20(a)(3) to reduce the side setback for the proposed building from 50' to 20' and to eliminate the side setback for the proposed parking area; and to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of the 20' buffer zone along the southern property line for the construction of the proposed parking.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a)(2), 18-4.20(a)(3), 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the front setback requirements of County Code § 18-4.20(a)(2) to increase the maximum front setback to 63'; to modify the side setback requirements of County Code § 18-4.20(a)(3) to reduce the side setback for the proposed building to 20', to waive the side setback requirements of County Code § 18-4.20(a)(3) to eliminate the side setback requirement for the proposed parking area, and to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of the 20' buffer zone along the southern property line for the construction of the proposed parking.

---

Item No. 12.3. SDP-2016-00012 Nationwide Homes - Special Exception to Disturb Critical Slopes.

The Executive Summary forwarded to the Board states that the County Code § 18-4.2.3 prohibits

a structure, improvement, or land disturbing activity to establish a structure or improvement from being located on critical slopes unless a special exception is approved by the Board.

The Applicant, Heartrock Farm LLC, is requesting approval of a Major Site Plan amendment for the construction of a new auto repair shop and related site improvements on Tax Map Parcel 07800-00-00-049A0, which is zoned Highway Commercial (HC). The Applicant is requesting a special exception to permit the disturbance of a 3,491 SF (0.08 acres) area of man-made critical slopes to facilitate the expansion of the proposed building, three parking spaces, and associated grading (Attachments A).

County Code §§ 18-4.2.5 and 18-33.5 authorize the Board to approve a special exception to waive the requirements of County Code § 18-4.2.3 to permit the disturbance of critical slopes. The applicant has submitted a request and justification for the waiver. The property is 1.46 acres, the project area being disturbed by the proposed improvements is approximately 0.58 acres; of that, 0.33 acres is comprised of critical slopes (22.8%). The Applicant requests to disturb 0.08 acres of the critical slopes area to facilitate the proposed development. The majority of the critical slopes being disturbed were created by the construction of the existing travelway into the site as depicted on SDP198600029 and the remaining portion of slopes being disturbed appear to have been created when State Route 1146, Hunters Way, was built. The proposed development requires the disturbance of critical slopes, and a special exception to permit the disturbance of critical slopes is necessary before the Site Plan Amendment can be approved by staff. Engineering and Planning staff have no concerns with the critical slopes disturbance request. See Attachment B for staff's analysis of the relevant factors for the critical slopes waiver request.

No budget impact will result from authorizing these special exceptions.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exceptions, subject to the condition attached thereto.

**By the above-recorded vote, the Board adopted the following resolution approving special exception:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP 2016-00012 NATIONWIDE HOMES**

**WHEREAS**, Heartrock Farm LLC (the "Owner") is the owner of Tax Map and Parcel Number 07800-00-00-049A0 (the "Property"); and

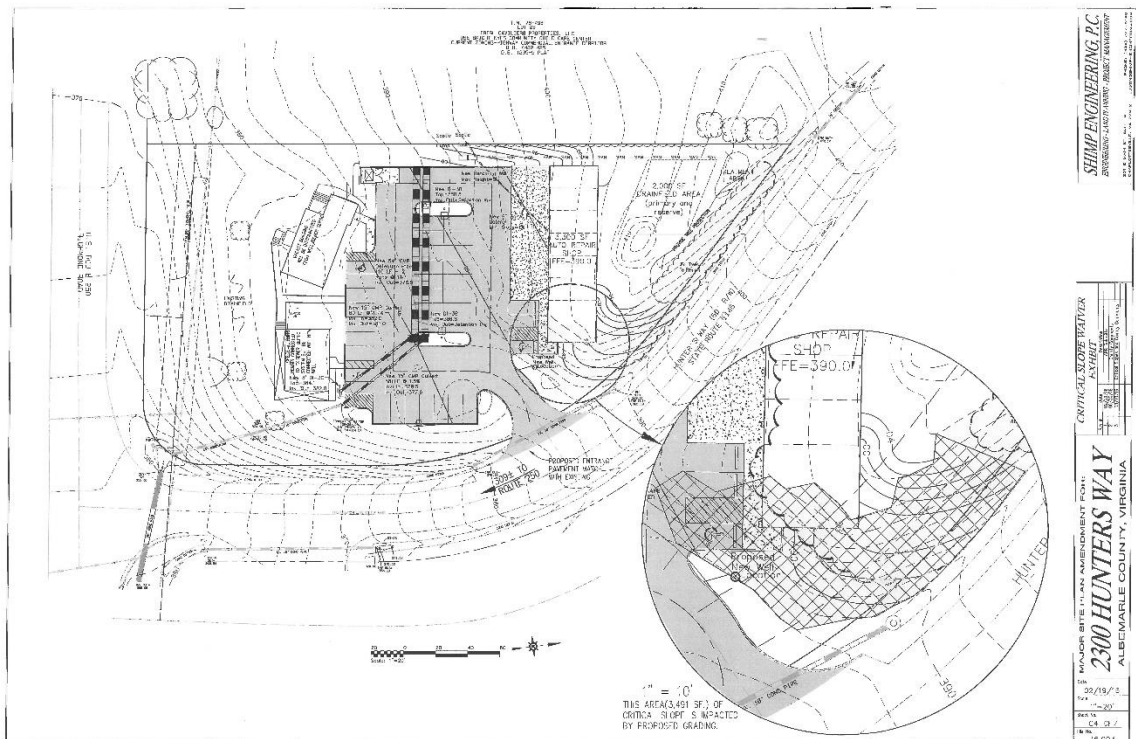
**WHEREAS**, the Owner filed a request for a special exception in conjunction with SDP 2016-00012, Nationwide Homes, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment B thereto, the Applicant's critical slopes waiver request dated August 10, 2016 and plan entitled "Major Site Plan Amendment for 2300 Hunter's Way, Albemarle County, Virginia" prepared by Shimp Engineering, P.C. and dated August 10, 2016, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for Heartrock Farm LLC's development of the Property, subject to the condition attached hereto.

\* \* \* \* \*

**SDP 2016-00012, Nationwide Homes Special Exception Condition**

1. The area of land disturbance on critical slopes shall not exceed 3,491 square feet as shown on Sheet 4 of the plan entitled "Major Site Plan Amendment for 2300 Hunter's Way, Albemarle County, Virginia" prepared by Shimp Engineering, P.C. and dated August 10, 2016.



Item No. 12.4. Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2016 Applicant Class.

The Executive Summary forwarded to the Board states that on May 4, 2016, the Board adopted the Acquisition of Conservation Easement (ACE) Committee's recommendation to appraise the top five ranked properties from the FY 2016 applicant pool, namely: the Brighish, Moon, Evans, G. Clarke and P. Clarke properties (see Attachment A). Based on pre-appraisal estimated easement values, the ACE Committee believed the ACE Program fund balance would be sufficient to purchase most but not all of the easements. The Committee sought pre-approval to appraise all of the top ranked properties in the event that (a) any higher-ranked applications were withdrawn or (b) the appraised values were lower than anticipated, allowing the acquisition of more easements.

Under County Code § A.1-111(A), the Board of Supervisors determines which ACE easements are to be purchased: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." If any applicants withdraw from consideration, other applicants may be substituted until the eligible applicants or available funding is exhausted.

After two new acquisitions last spring, the County has now acquired easements on 46 properties, protecting the open-space resources of 8,992 acres. The County has acquired these easements at a cost that is 20% less than the appraised easement value due to the use of grants and donations, and adjustments to price based on owner income.

The total funds currently available for easement acquisitions is \$1,052,199, including \$155,807 of unused Virginia Farmland Preservation grant funds. (See Attachment B - "ACE Budget for FY 2016"). These unused grant funds are held by the state Office of Farmland Preservation (OFP) in a restricted account for up to two years, until the County submits a Reimbursement Claim Form for 50% of the total acquisition costs. These unused grant funds would be used for the acquisition of the two highest-priority properties.

If the County acquires the Brighish, Moon and Evans easements at their total appraised value of \$784,500, the remaining \$267,699 could be used to acquire at least one of the remaining Clarke easements. Because the Board previously adopted the ACE Committee's recommendation to appraise all five of the top ranked properties (with sufficient funding), staff has already requested appraisals of the two Clarke properties.

Funding for the purchase of these conservation easements would be paid for from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants from the Virginia Office of Farmland Preservation (OFP).

The ACE Committee and staff recommend that the Board: 1) Authorize staff to invite the owners of the Brighish, Moon, and Evans properties to make written offers to sell conservation easements to the County for no more than: \* \$314,500 for the Brighish easement, \* \$65,000 for the Moon easement, and \* \$405,000 for the Evans easement; 2) Accept offers from any of these owners to sell conservation easements for no more than the above amounts; and 3) Authorize the County Executive to sign on behalf of the County the Deeds of Easement and related forms for any or all of these three easements once

such documents are approved by the County Attorney.

**By the above-recorded vote, the Board 1) authorized staff to invite the owners of the British, Moon, and Evans properties to make written offers to sell conservation easements to the County for no more than: \* \$314,500 for the British easement, \* \$65,000 for the Moon easement, and \* \$405,000 for the Evans easement; 2) accepted offers from any of the mentioned owners to sell conservation easements for no more than the above amounts; and 3) authorized the County Executive to sign on behalf of the County the Deeds of Easement and related forms for any or all of these three easements once such documents are approved by the County Attorney.**

---

Agenda Item No. 13. Memorandum of Understanding between the Economic Development Authority and the County.

During adoption of the final agenda, this item was removed from the agenda and carried forward to the November 2, 2016, Board meeting.

---

Agenda Item No. 14. SP-2015-00032. ReStore N Station (amendment of SP 200900034). **deferred from September 14, 2016.**

The Executive Summary presented to the Board states that on September 14, 2016 the Board of Supervisors held a public hearing to discuss this application. The Board of Supervisors deferred action at the applicant's request to allow the staff time to review proposed alternative conditions submitted by the applicant. The proposed alternative conditions are included as Attachment A.

The applicant proposed the following revised and new conditions:

- Condition 4 provides details on the size of the proposed building expansion.
- Condition 5 prohibits the convenience store from operating between 12:30 a.m. and 4:30 am. The fuel pumps have no hour limitation.
- Condition 6 specifies the number of pumps and how many customers may be served at any time.
- Condition 8 prohibits overnight parking (between 12:30 a.m. and 4:30 am) except for vehicles awaiting repair or which have been repaired to be picked up by the owner.
- Condition 10 (new) prohibits the automobile repair shop from operating between 10:00 pm and 4:30 am.
- Condition 11 (new) phases development so that the existing front building (convenience store) may not be expanded until water consumption for the new building and the existing convenience store has been confirmed to not exceed 80% of the permitted water consumption use. This evaluation would occur only after the new building has had a certificate of occupancy for at least 6 months.

The applicant has also offered to revise the concept plan to include the following features:

- Limitations on light pole fixture height at the rear of the site to sixteen (16) feet.
- Light fixtures at the rear of the site will have a side shielding on the side closest to the property line.
- After installation of additional fuel pumps under the large canopy are installed, the lighting for the small canopy and near the rear of the site will be turned off when the store closes.
- The privacy fence in the southwest corner of the property will be a solid board style.
- The existing board-on-board fence will remain.

No budget impact is expected.

Staff recommends that the Board adopt the attached Resolution approving SP 2015-32 Restore'n Station (Attachment B).

---

Mr. Bill Fritz, Chief of Special Projects, addressed the Board. He said the issue under review is limited to the impact on water resources resulting from: increased building size, increased impervious area, expanded hours of operation, and an increase in the types of fueling stations.

Mr. Fritz compared the current hours of operation established in 2010 to the proposed hours of operation: currently, hours are limited to 16 per day; the proposal is that the convenience store may not operate from 12:30 a.m. to 4:30 a.m.; the automobile repair shop may not operate from 10:00 p.m. to 4:30 a.m.; and the fuel pumps would not have a limit on hours of operation.

Mr. Fritz compared current fuel dispenser conditions established in 2010 to the proposed conditions: currently, the station may operate 7 pump stations limited to 12 nozzles (8 gasoline, 2 diesel, 1 off-road diesel, 1 kerosene); the proposed condition is for 9 pump stations, and 7 of them may serve two vehicles at a time; it includes one pump for off-road diesel and one pump for kerosene. Mr. Fritz said they will use the existing canopy area and there will be no additional islands.

Mr. Fritz compared current overnight parking rules established in 2010 to the proposed conditions: currently, overnight parking is not permitted between 12:30 a.m. and 4:30 a.m.; the proposal

would maintain the same restriction on hours with an exception for vehicles awaiting repair or pick-up from the auto repair shop.

Mr. Fritz compared the previous condition for construction and size limits established in 2010 to the proposed condition: the current size and location of construction is limited by notes in the concept plan; the proposed condition adds a condition that specifies maximum first and second floor areas.

Mr. Fritz compared conditions on the phasing of development: currently, there is no specific condition on phasing of the development; the proposed condition is as follows: no addition to the existing (front) building until water use for the new building (rear) and existing store are shown to be 80% or less of permitted volume; this evaluation is to occur after the new building has a certificate of occupancy for six months.

Mr. Fritz compared conditions on lighting: currently, there is no limit on lighting; the proposed condition includes the following limitations: pole height limited to 16 feet at rear of site, shielding is required for light fixtures at the rear of the site, and after the installation of new fuel pumps under the large canopy the lights for the small canopy in the rear will be turned off when the store is closed.

Mr. Fritz compared screening provisions: the current condition established in the 2010 concept plan showed location of a screening fence; the fencing was board-on-board style; the proposed condition has the concept plan providing for additional fencing in the southwest corner of the site, and new fencing is to be solid board style; the existing fencing will remain.

Mr. Fritz showed an aerial photograph of the site. He said he also has the plans in the event the Board would like to review them. He invited questions.

Ms. Palmer stated that she had spent quite a bit of time reviewing the numbers and making sure she understood all aspects. She said she has had the opportunity to be involved in a variety of water-demand and capacity analyses, and noted that peak use is analyzed and not the average use. Ms. Palmer said she reviewed the usage numbers and noticed that cleaning of the parking lot occurred, and she took these figures out of her calculation. She stated that she included summer usage, as it is common knowledge that people use more water in the summer. Ms. Palmer said she believes that 400 GPD is a more reasonable usage estimate than 250 GPD, as a peak value. She reviewed minutes of the Planning Commission meeting and said it seems reasonable that if they are enlarging the area by six times, the 400 GPD can be multiplied by six and yield a figure substantially more than the 1,625 that is permitted. She noted there is a shut off restricting usage to 1,625 GPD. Ms. Palmer expressed her agreement with the Planning Commissioner's comment that it would be difficult to justify from an economic development or empathy standpoint, saying "no" to either changing that number or allowing a hook up to public water. She said she is concerned the applicant will be coming before the Board in the future to request additional expansion of water usage, and she prefers not to put the Board or the applicant in that position.

Ms. Palmer said it is for this reason that she will vote against the proposal.

Mr. Randolph stated that the proposed expansion of the building size and nature of the operation will have a high probability of exceeding the maximum permitted water usage of 1,625 GPD, and thus would be inconsistent with the Comprehensive Plan. He stated that he will vote against it.

Ms. Mallek stated that she will vote against it. She explained that strong reasons to deny the permit are that there is an existing permit approved by the Board of Supervisors with clear intent as to size, scale and impact on water consumption. Ms. Mallek said the permit was appealed to the BZA and then the Circuit Court to force implementation of the plan approved at the public hearing, not one that is 3,000 square feet larger. She said the Circuit Court decided to uphold the intent of the Board of Supervisors, granting the original permit and speaking clearly to size, scale and impact. She said the applicant did not appeal the Court's decision and the special permit was accepted and carried out by the applicant, and the owner has reasonable use of the property. In reply to the applicant's comment that this is "phase two," Ms. Mallek said larger size buildings and operations were applied for at that time and were denied and should stay denied today.

Ms. Mallek stated that in 2010, the Board was concerned with many issues, including impacts to US 250, to rural area businesses, and to the historic Freetown neighborhood. She said Freetown residents have rights and have been severely impacted by the uses to date and are horrified by the potential impacts of a property that would be five times larger in square footage. She stated that repeated amendments to the special permit that have worked their way slowly and painfully through the process continually put the community in jeopardy, and this undermines the process used by the County in considering and granting special permits. Ms. Mallek emphasized that they must do their part to make permits stick as they go with the land. She said if the Board were to allow a quintupling of the size of the building and impacts at this location and eliminate some of the conditions originally set, they will be setting a precedent and others would seek to undo their own permits. She pointed out that this will affect projects in every magisterial district in both urban and rural parts of the County.

Ms. Mallek stated that the applicant appeared before the Crozet Advisory Council in 2008 and claimed the station would be the first truck stop on the eastbound side of I-64 on this side of the mountain, and that was his goal. She said that community residents have complained to County staff and Supervisors for years about lights left on all night, occasional overnight parking of vehicles, tardiness of plantings and effective screening, and some zoning complaints have been taken through the process. Ms.

Mallek stated that in her mind there is an effective permit, a thriving business, according to the owner, and thus reasonable use of the property, in a legal sense, with a resolution of a highly litigated decision, which brought peace to the community.

Ms. Mallek stated that she hopes the Board of Supervisors will let the decision of 2010 stand. She said the Board's analysis and the conditions it imposed in the 2010 permit involved water consumption. She said she realizes this application pertains to water consumption; however, it is a decision that allows the exercise of discretion. Ms. Mallek stated that while the special use does not change, the applicant has failed to make the case that amending the conditions to allow further development on the site is compelling or warranted.

Mr. Dill said he will vote to deny.

As there appears to be four votes to deny, Mr. Kamptner asked for the vote to be delayed until later this evening while he prepares a resolution to deny.

Ms. Palmer stated the Board will delay the vote on this item until 8 p.m.

---

Agenda Item No. 15. Board Discussion: Scheduling of Public Review and Comment on County Court Expansion Options.

Mr. Foley said that after years of study, Board review, and discussion with the City of Charlottesville, his staff is nearing completion of final materials that reflect five distinct options for court expansion to meet future community needs. He said the options have been reviewed by the Board as part of negotiations with Charlottesville and are now ready for public review and final action by the Board. He said that staff is suggesting a meeting for Monday, October 24, 2016, at 6:00 p.m. in the County Office Building to fully review the five options and solicit public comment. Mr. Foley said that if a meeting is scheduled, staff will take the following actions: notify stakeholders and interested parties to advise them of the opportunity for public comment; publicize the meeting using all available communications channels; prepare an executive summary and related materials to post on the website by October 18, to allow the public time to review the materials in advance of the meeting; post background materials, such as studies and previous reports and presentations, to the website by October 18; and prepare copies of the executive summary, related materials, and the presentation, to hand out to attendees at the October 24 meeting.

After a brief discussion, all Board members agreed to hold the meeting on October 24, 2016.

---

Agenda Item No. 15a. Resolution in Support of Regional Transit in Charlottesville-Albemarle.

**(Note:** Mr. Sheffield read the following Transactional Disclosure Statement: "I am employed as Executive Director of JAUNT, a regional public transportation provider owned by the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa, Nelson and Buckingham located at 104 Keystone Place, Charlottesville, Virginia 22902, and have a personal interest in JAUNT because I receive an annual salary from JAUNT that exceeds \$5,000 annually. JAUNT may be the subject of this agenda item and I could realize a reasonably foreseeable direct or indirect benefit or detriment as a result of any decision related to JAUNT.")

**Mr. Sheffield then disqualified himself from participating in the discussion and left the meeting at 7:01 p.m.**

Ms. McKeel **moved** to adopt the proposed resolution in support of regional transit in Charlottesville-Albemarle. Ms. Mallek **seconded** the motion:

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

ABSTAIN: Mr. Sheffield.

#### **RESOLUTION IN SUPPORT OF REGIONAL TRANSIT IN THE CITY OF CHARLOTTESVILLE AND ALBEMARLE COUNTY**

**WHEREAS**, the public transit services of the Charlottesville Area Transit and JAUNT are considered regional in scope; and

**WHEREAS**, the County of Albemarle, through its partnership with the City of Charlottesville, provides funding for both Charlottesville Area Transit and JAUNT to regularly engage in transit planning and transit operations; and

**WHEREAS**, changes effective October 1, 2016 cause ten of the thirteen Charlottesville Area Transit routes to cross from the City of Charlottesville into Albemarle County's "urban ring" surrounding the City; and

**WHEREAS**, the multimodal focus of the urban ring is to create a transportation network adjacent to the City of Charlottesville that is transit supportive in land use, responsive to economic development competitiveness, connects people to jobs, and reduces congestion; and

**WHEREAS**, the County of Albemarle intends to strengthen its commitment to transit service through funding the expansion of transit into developing areas and providing faster, more frequent service to the existing urban ring; and

**WHEREAS**, the County of Albemarle is firmly committed to establishing a more robust regional transit service and believes greater efficiencies and effectiveness can be gained through a unified system; and

**WHEREAS**, the City of Charlottesville and the County of Albemarle have agreed to move forward with a facilitated discussion on the concerns, expectations, and outcomes related to the possible formation of a unified regional transit system.

**NOW, THEREFORE BE IT RESOLVED THAT** the County of Albemarle intends to work with the City of Charlottesville to address outstanding issues in order to establish common ground on how both entities can move forward with improved regional transit infrastructure and service, thus allowing the County to provide future investments in area transit.

---

**(Mr. Sheffield returned to the meeting at 7:04 p.m.)**

Agenda Item No. 16. **Public Hearing: Old Trail Western Park.** To consider conveying (a) easements to March Mountain Properties, LLC and East Village, LLC to allow grading, construction and maintenance of required stormwater management and greenway trail improvements and (b) sanitary sewer easements to the Albemarle County Service Authority, both across the County-owned Old Trail Western Park property (Parcel ID 055E0-01-00-000H0). *(Advertised in the Daily Progress on October 3, 2016.)*

The Executive Summary presented to the Board states that as part of the approved rezoning of the Old Trail development (ZMA-2004-024), the developer was required to construct and maintain certain improvements on and across a future County park. Specifically, stormwater management and greenway trail improvements were shown and approved in specific park locations. However, the developer conveyed the Old Trail Western Park property to the County in November 2010 before having completed the required improvements, and without reserving for itself the legal right to re-enter the property to complete and maintain the required improvements. In recent months, March Mountain Properties, LLC and East Village, LLC, two current Developers of the surrounding Old Trail development, have approached County staff seeking this legal access to the County-owned park property.

Staff has been working with representatives of the two Developers on agreements that would (a) grant the Developers permission to deliver surplus fill material for the County's use, (b) convey easements to the Developers to allow the construction and maintenance of required stormwater management and greenway trail improvements, and (c) convey needed sanitary sewer easements to the Albemarle County Service Authority (ACSA).

Permission to Deliver Fill Material: In developing their respective properties, the Developers will generate excess fill material, which they have offered to deliver to the County. The County could use this fill material to develop playing fields at Old Trail Park or elsewhere, at a cost savings to the County. The Developers have also offered plantings and other landscaping on the park property in satisfaction of their own mitigation requirements. The Developers have requested temporary permission to enter the County property for these purposes. Because the County would have the ability to revoke this permission at any time, it can be granted administratively (Attachment A), outside of this public hearing, because no interest in real property is conveyed.

Stormwater, Greenway Trail, and Grading Easements: The Developers have agreed both to construct and maintain these permanent improvements on the County's park property (Attachment B). These permanent improvements (and the grading associated with other improvements) would require permanent easements (Attachment C), which in turn require this public hearing under Virginia Code § 15.2-1800.

Sanitary Sewer Easements: The specific location of the proposed sanitary sewer easements (Attachment D) is set forth on the attached Plat (Attachment E). The sewer lines would be buried within the easements and would not interfere with the use of the property as a public park. Again, Virginia Code § 15.2-1800 also requires that the Board also hold this public hearing prior to this proposed conveyance of an interest in County -owned real property.

Two of the proposed agreements would result in cost savings to the County. The County's receipt of surplus fill material would relieve the County of having to purchase fill material to develop playing fields. The agreement of the Developers to construct and maintain stormwater management and greenway trail improvements likewise would relieve the County of expenses it might otherwise incur. The proposed ACSA sanitary sewer easement would have no fiscal impact.

Staff recommends that, after receiving public comment, the Board adopt the attached Resolution (Attachment F) approving the proposed easements and authorizing the County Executive to sign the



documents necessary to convey these easements on behalf of the County once they have been approved as to substance and form by the County Attorney.

Mr. Andy Herrick, Assistant County Attorney, stated that he will discuss proposed easements through Old Trail Western Park. He said when the development was proposed and zoning approved the developer committed to a number of easements; however, the easements were not reserved before the property was conveyed outright to the County. Mr. Herrick stated that the current proposal is for Albemarle County to grant three easements to the developer and the service authority in return for pedestrian access easements. He said the easements are as follows: storm water easements to developers, grading easements to developers, and sanitary sewer easements to Albemarle County Service Authority. He displayed an aerial photograph of the property as well as a plan diagram of the property showing the easements. Mr. Herrick pointed out the developer's willingness to deliver film material to the County, which can be used at this property or other properties, adding that his office believes this is to be mutually beneficial situation. He explained that prior to a conveyance being made, a public hearing is required, and said that representatives of the developer are present to answer questions.

Ms. Palmer opened the public hearing and invited members of the public to speak on this issue. As there were no citizens who wished to speak, she closed the public hearing and opened up discussion to the Board.

Ms. Mallek said she has been out to the property and had a concern about a steep drop to Lickinghole Creek. She stated that she understands the developer has made some changes to pull the work back from the slope and to preserve large trees, which she appreciates. She expressed her appreciation to County staff for the work they have done on this project.

Ms. Mallek **moved** to adopt the proposed resolution. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

#### **RESOLUTION APPROVING THE GRANTING OF EASEMENTS ON THE OLD TRAIL PARK PROPERTY**

**WHEREAS**, the County of Albemarle owns certain property known as the Old Trail Park and identified as Parcel ID 055E0-01-00-000H0; and

**WHEREAS**, stormwater management, greenway trail, and grading easements across this County-owned property are necessary for March Mountain Properties, LLC and East Village, LLC to construct and maintain improvements required for the Old Trail Subdivision; and

**WHEREAS**, additional easements across this County-owned property are necessary for the Albemarle County Service Authority (ACSA) to provide sanitary sewer service to the Old Trail Subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of stormwater management, greenway trail, and grading easements to March Mountain Properties, LLC and East Village, LLC, and the granting of a sanitary sewer easement to the ACSA, and authorizes the County Executive to sign all documents necessary to convey these easements across Parcel ID 055E0-01-00-000H0 and to implement the terms and conditions thereof once they have been approved as to substance and form by the County Attorney.

August 9, 2017

Mountain Properties, LLC  
East Village, LLC  
1005 Heathercroft Circle  
Suite 100  
Crozet, VA 22932  
Attn: Suzanne J. Brooks, Manager

Re: Parcel 055E0-01-00-000H0  
Limited-Purpose Right of Entry

Dear Ms. Brooks:

The County of Albemarle, Virginia (the "County") hereby grants permission to March Mountain Properties, LLC ("MMP"), East Village, LLC ("EV"), and/or their respective agents, contractors, and subcontractors, to immediately enter upon Albemarle County Parcel 055E0-01-00-000H0, owned by the County (the "Property"), on the conditions and for the limited purposes outlined herein. Such permission is granted on a nonexclusive basis with the rights of others. The activities permitted herein shall be at no cost whatsoever to the County.

This grant is made only to the extent reasonably necessary for MMP, EV and their respective agents to perform the limited purposes outlined herein. Specifically, this permission is granted subject to the following conditions:

1. This right of entry is granted solely and only to the extent reasonably necessary for MMP, EV and/or their respective agents, contractors, and subcontractors:
  - a. to deposit and grade fill material on the Property;
  - b. to establish a greenway trail; and
  - c. to establish approved plantings and landscaping in identified mitigation areas.
2. MMP, EV and/or their respective agents shall be solely responsible to apply for and obtain all permits necessary for the work described herein, at their sole expense, and shall perform all work in conformance with said permits.
3. Physical access to the Property shall be upon 24 hours advance notice to the County, unless otherwise mutually agreed to. If otherwise not available, said access shall be provided by County employees, who may remain present during all work performed hereunder.
4. The permission granted by this Right of Entry shall be temporary in nature and shall terminate upon completion of the work described herein, but in no event later than June 30, 2018.
5. MMP and EV assume full responsibility, and jointly indemnify, defend, and hold the County and its agents harmless, for any and all injury or damage caused by either of them, by their agents', contractors' or subcontractors' entry onto the Property, and/or the work undertaken pursuant to this letter. In addition, MMP and EV jointly agree to repair any and all damage to the Property, including structures, roads, sidewalks, fences, and other improvements, which damage was caused by the work performed pursuant to this letter.

The County reserves the right to terminate this right of entry upon thirty (30) days' prior written notice. Your dated signatures in the spaces below will acknowledge acceptance of the terms of this letter. Please return a countersigned original to me.

Sincerely yours,

COUNTY OF ALBEMARLE

\_\_\_\_\_  
Thomas C. Foley, County Executive

Agreed and accepted on \_\_\_\_\_, 2016

MARCH MOUNTAIN PROPERTIES, LLC

By: \_\_\_\_\_  
Suzanne J. Brooks, Manager

EAST VILLAGE, LLC

By: \_\_\_\_\_  
Suzanne J. Brooks, Manager

\*\*\*\*\*

**STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and between **EAST VILLAGE, LLC**, a Virginia limited liability company (hereinafter, "East Village"), **MARCH MOUNTAIN PROPERTIES, L.L.C.**, a Virginia limited liability company (hereinafter, "March Mountain Properties"), and the **BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA** (hereinafter, the "County").

**W I T N E S S E T H**

**WHEREAS**, the County is the owner of certain real property known as Old Trail Park. Two portions of said Park are shown on the following plat as "SGA VAR" (hereinafter, the "County Property"):

Plat entitled "Plat Showing New Stormwater Management Easements and ACSA Sanitary Sewer Easements TMP 055E0-01-00-000H0 Old Trail Park Old Trail Subdivision White Hall Magisterial District Albemarle County, Virginia" dated June 20, 2016, last revised September 14, 2016, prepared by Roudabush, Gale & Associates, Inc., which plat is of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia prior hereto (the "Park Plat").

**WHEREAS**, East Village is the owner of the following property (hereinafter, the "East Village Property"):

All that certain tract or parcel of land with improvements thereon and appurtenances thereto situated in Albemarle County, Virginia, containing 23.710 acres, more or less, shown as Parcel "EV" on a plat entitled "Subdivision of TMP 55E-01-A1 Being The Proposed East Village of Old

Trail Village Subdivision White Hall Magisterial District Albemarle County, Virginia” by Roudabush, Gale & Associates, Inc., dated April 25, 2016, of record in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia in Deed Book 4789, page 372 (hereinafter, the “East Village Plat”).

**WHEREAS**, March Mountain Properties in the owner of that certain property adjacent to the East Village Property as shown on the East Village Plat (hereinafter, the “March Mountain Properties Property”);

**WHEREAS**, March Mountain Properties and the County are parties to that certain Storm Water Management/BMP Facilities Maintenance Agreement providing for the construction and maintenance of the stormwater facility within the easement shown on the Park Plat as “SWM-X VAR”, which Agreement is of record in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia in Deed Book 3955, page 1-10 (hereinafter, the “Prior Maintenance Agreement”);

**WHEREAS**, the parties hereto desire that this Agreement supersede and replace the Prior Maintenance Agreement;

**WHEREAS**, East Village is proceeding to build on and develop the East Village Property pursuant to a Site Plan/Subdivision Plan known as **Old Trail Village Blocks 10, 16, 17, 18 & 30**;

**WHEREAS**, the Water Protection Ordinance (WPO) Plan described as **2016-00009 Stormwater Management Plan** (hereinafter called the “Plan”), which is expressly made a part hereof, as approved or to be approved by the County, provides for detention of stormwater within the confines of the County Property;

**WHEREAS**, the County, East Village and March Mountain Properties, their respective successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of Albemarle County, Virginia, require that on-site stormwater management/BMP facilities be constructed and maintained on the County Property; and

**WHEREAS**, the County requires that the stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by East Village and March Mountain Properties (hereinafter, the “Developers”), their respective successors and assigns, including any homeowners association.

**NOW, THEREFORE**, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. This Agreement supersedes and replaces the Prior Maintenance Agreement.
2. The on-site and adjacent stormwater management/BMP facilities shall be constructed by the Developers, their respective successors and assigns, in accordance with the plans and specifications identified in the Plan.
3. The Developers, their respective successors and assigns, including any homeowners association, shall adequately maintain the stormwater management/BMP facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.
4. The Developers, their respective successors and assigns, shall inspect the stormwater management/BMP facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover all the facilities, including berms, outlet structure, pond areas, and access roads. Deficiencies shall be noted in the inspection report.
5. The Developers, their respective successors and assigns, hereby grant permission to the County, its authorized agents and employees, to enter upon the East Village Property and the March Mountain Properties Property to inspect the stormwater management/BMP facilities whenever the County deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The County shall provide the Developers, their respective successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.
6. In the event the Developers, their respective successors and assigns, fail to maintain the stormwater management/BMP facilities in good working condition acceptable to the County, the County may enter upon the East Village Property and the March Mountain Properties Property to take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Developers, their respective successors and assigns. This provision shall not be construed to allow the County to erect any structure of permanent nature on the land of East Village or March Mountain Properties. It is expressly understood and agreed that the County is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the County.
7. The Developers, their respective successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

8. In the event the County pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Developers, their respective successors and assigns, shall reimburse the County upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the County hereunder.

9. This Agreement imposes no liability of any kind whatsoever on the County and the Developers agree to hold the County harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

10. This Agreement shall be recorded among the land records of Albemarle County, Virginia, and shall constitute a covenant running with the land, and shall be binding on East Village and March Mountain Properties, their respective administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

**WITNESS** the following signatures and seals:

**EAST VILLAGE, LLC,**  
a Virginia limited liability company  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Manager

**MARCH MOUNTAIN PROPERTIES, L.L.C.,**  
a Virginia limited liability company  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Manager

**COUNTY OF ALBEMARLE**  
By: \_\_\_\_\_ (SEAL)  
Thomas C. Foley, County Executive  
\*\*\*\*\*

**This document prepared by:**  
J. Alden English, Esq. (VSB No. 48262)  
Woods Rogers PLC  
123 East Main Street, 5<sup>th</sup> Floor  
Charlottesville, Virginia 22902

**Albemarle County**  
TMP # 055E0-01-00-000H0

This **DEED OF EASEMENT** made this \_\_\_ day of \_\_\_\_\_ 2016, by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia (the "County"), Grantor, party of the first part; **EAST VILLAGE, LLC**, a Virginia limited liability company ("East Village"), Grantee, party of the second, whose address is 1005 Heathercroft Circle, Suite 100, Crozet, Virginia 22932; and **MARCH MOUNTAIN PROPERTIES, L.L.C.**, a Virginia limited liability company ("March Mountain Properties"), Grantee, party of the third part, whose address is 1005 Heathercroft Circle, Suite 100, Crozet, Virginia 22932.

**WITNESSETH:**

**WHEREAS**, the County is the owner of that certain real property located in Albemarle County, Virginia, shown and described on the following plat as TMP 055E0-01-00-000H0 Greenway Area #1 Old Trail Park County of Albemarle (36.122 AC) (hereinafter, "Greenway Area #1") and TMP 055E0-01-00-000H0 Greenway Area #2 County of Albemarle (0.240 AC) (hereinafter, "Greenway Area #2):

Plat entitled "Plat Showing New Stormwater Management Easements and ACSA Sanitary Sewer Easements TMP 055E0-01-00-000H0 Old Trail Park Old Trail Subdivision White Hall Magisterial District Albemarle County, Virginia" dated June 20, 2016, last revised September 14, 2016, prepared by Roudabush, Gale & Associates, Inc., which plat is attached hereto and recorded herewith (hereinafter, the "Plat"). Reference is made to the Plat for a more particular description of the easements conveyed herein.

**WHEREAS**, East Village and March Mountain Properties (hereinafter, the "Grantees") are the owners in fee simple of those certain tracts of land adjacent to Greenway Area #1 and Greenway Area #2 as shown on the Plat;

**WHEREAS**, the Grantees and the Board of Supervisors of Albemarle County, Virginia have entered into an agreement entitled "Stormwater Management/BMP Facilities Maintenance Agreement" (hereinafter, the "Maintenance Agreement") in which the Grantees have agreed to construct and maintain on-site and adjacent stormwater management/BMP facilities;

**WHEREAS**, Section 5 of the Maintenance Agreement provides in part that the Grantees give permission to the County, including its authorized agents and employees, to inspect the stormwater management/BMP facilities whenever the County deems necessary, and Section 6 of the Maintenance

Agreement provides in part that, in the event the Grantees, their successors and assigns, fail to maintain the stormwater management/BMP facilities in good condition acceptable to the County, the County may take whatever steps necessary to repair or otherwise maintain the facilities and to otherwise correct deficiencies; and

**WHEREAS**, it is the desire and intent of the County to grant and convey to the Grantees three (3) easements in accordance with this Deed of Easement.

**NOW, THEREFORE**, in consideration of the premises and TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby GRANT and CONVEY with SPECIAL WARRANTY OF TITLE unto East Village and March Mountain Properties, and their respective successors and assigns, two (2) perpetual easements of variable width to grade, construct, maintain and repair two (2) permanent stormwater management facilities, which easements are shown on the Plat as "SGA VAR" (hereinafter, the "SGA Easements"), and a perpetual grading easement of variable width over, under and across the entirety of Greenway Area #2, which easement is shown on the Plat as "GE VAR" (hereinafter collectively with the SGA Easement, the "Easements").

The Easements shall be subject to the following:

1. Right of ingress and egress. The Grantees and their authorized agents and employees shall have the right and easement of ingress and egress over the SGA Easements to perform all acts to which the parties have agreed it may perform under the Maintenance Agreement.
2. No obligation of the Grantor to inspect or maintain. This Deed of Easement shall not be construed as imposing an obligation on the Grantor to repair or otherwise maintain the stormwater management/BMP facilities subject to the Maintenance Agreement.
4. Grantee's right to assign. The Grantees shall have the right to assign the Easements, upon consent of the County, which consent shall not be unreasonably withheld.
5. Binding effect. The Easements and the rights and obligations established herein shall run with the land in perpetuity, and shall be binding upon the Grantor, the Grantees, and their successors and assigns. All references herein to the "Grantor" and the "Grantees" include their respective successors and assigns. All references to the "Grantees," when exercising any right or obligation herein, includes such Grantee's officers, employees and agents.

**WITNESS** the following signatures and seals:

**GRANTOR:**

**COUNTY OF ALBEMARLE**

By: \_\_\_\_\_ (SEAL)  
Thomas C. Foley, County Executive

**GRANTEES:**

**EAST VILLAGE, LLC,**

a Virginia limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Manager

**MARCH MOUNTAIN PROPERTIES, L.L.C.,**

a Virginia limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Manager

\*\*\*\*\*

**PREPARED BY:**

Albemarle County Attorney's Office  
401 McIntire Road, Suite 325  
Charlottesville, Virginia 22902

Parcel ID 055E0-01-00-000H0

This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3) and from Clerk's fees under Virginia Code § 17.1-266.

This **DEED OF EASEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia, Grantor (the "County"); and the **ALBEMARLE COUNTY SERVICE AUTHORITY**, Grantee, whose address is 168 Spotnap Road, Charlottesville, Virginia 22911 (the "Authority").

**WITNESSETH:**

WHEREAS, the Authority has requested and the Grantor has agreed to grant the Authority various sanitary sewer line easements located on the Grantor's property in Albemarle County, Virginia, which easements are shown on the following plat (the "Plat"):

Plat entitled "Plat Showing New Stormwater Management Easements and ACSA Sanitary Sewer Easements TMP 055E0-01-00-000H0 Old Trail Park Old Trail Subdivision White Hall Magisterial District Albemarle County, Virginia" dated June 20, 2016, last revised September 14, 2016, prepared by Roudabush, Gale & Associates, Inc., which plat is recorded prior hereto.

WHEREAS, as shown on the Plat, the proposed easements cross a portion of the property conveyed to the County by deed recorded in the Clerk's Office in Deed Book 3955, page 1 (the "Public Park"); and the County is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby GRANT and CONVEY with SPECIAL WARRANTY OF TITLE unto the Albemarle County Service Authority perpetual rights of way and easements to construct, install, maintain, repair, replace and extend sanitary sewer lines consisting of pipes and appurtenances thereto, over, under and across the real property of the Grantor located in the White Hall Magisterial District of Albemarle County, Virginia, the location and width of the easements hereby granted and the boundary of the properties being more particularly described on the Plat as "SSE 20" and "SLE 10," respectively. Reference is made to the aforesaid Plat for the exact location and dimension of the permanent easements hereby granted and the property over which the same crosses.

The Grantor, its successors and assigns agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions, except as provided for below, shall not be placed within the easements conveyed herein. The County shall have the right to construct trails and related improvements ("Park Improvements") within the easements hereby granted. The Grantor, its successors and/or assigns shall also have the right to construct other utility lines within the easements hereby granted, provided that no such lines shall be within five (5) feet horizontally of the sewer lines installed hereunder.

As a part of these easements, the Authority shall have the right to enter upon the above described properties within the easements for the purpose of installing, constructing, maintaining, repairing, replacing and extending sewer lines, and appurtenances thereto within such easements, and the right of ingress and egress thereto as reasonably necessary to construct, install, maintain, repair, replace and extend such sewer lines. If the Authority is unable to reasonably exercise the right of ingress and egress over the rights-of-way, the Authority shall have the right of ingress and egress over the property of the owner adjacent to the right-of-way.

Whenever it is necessary to excavate earth within such easements, the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation.

The easements provided for herein shall include the right of the Authority, with the County's prior written consent, to cut any trees, brush and shrubbery, remove obstructions, including Park Improvements, and take other similar action reasonably necessary to provide economical and safe sewer line installation, operation and maintenance. Following the removal of any Park Improvements, the Authority shall replace or restore such Park Improvements at its expense, and the Authority shall replace or reimburse to the County the replacement cost of said trees, brush, shrubbery or obstructions, including Park Improvements, if cut or removed or otherwise damaged. Any and all trees, brush, shrubbery or obstructions cut or removed by the Authority shall be disposed of at the Authority's expense at a location not within the Public Park, unless the County consents in writing to such disposal within the Public Park.

The facilities constructed within the permanent easements shall be the property of the Authority, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the permanent easements as are consistent with the purposes expressed herein.

**WITNESS** the following signatures and seals:

**COUNTY OF ALBEMARLE, VIRGINIA**

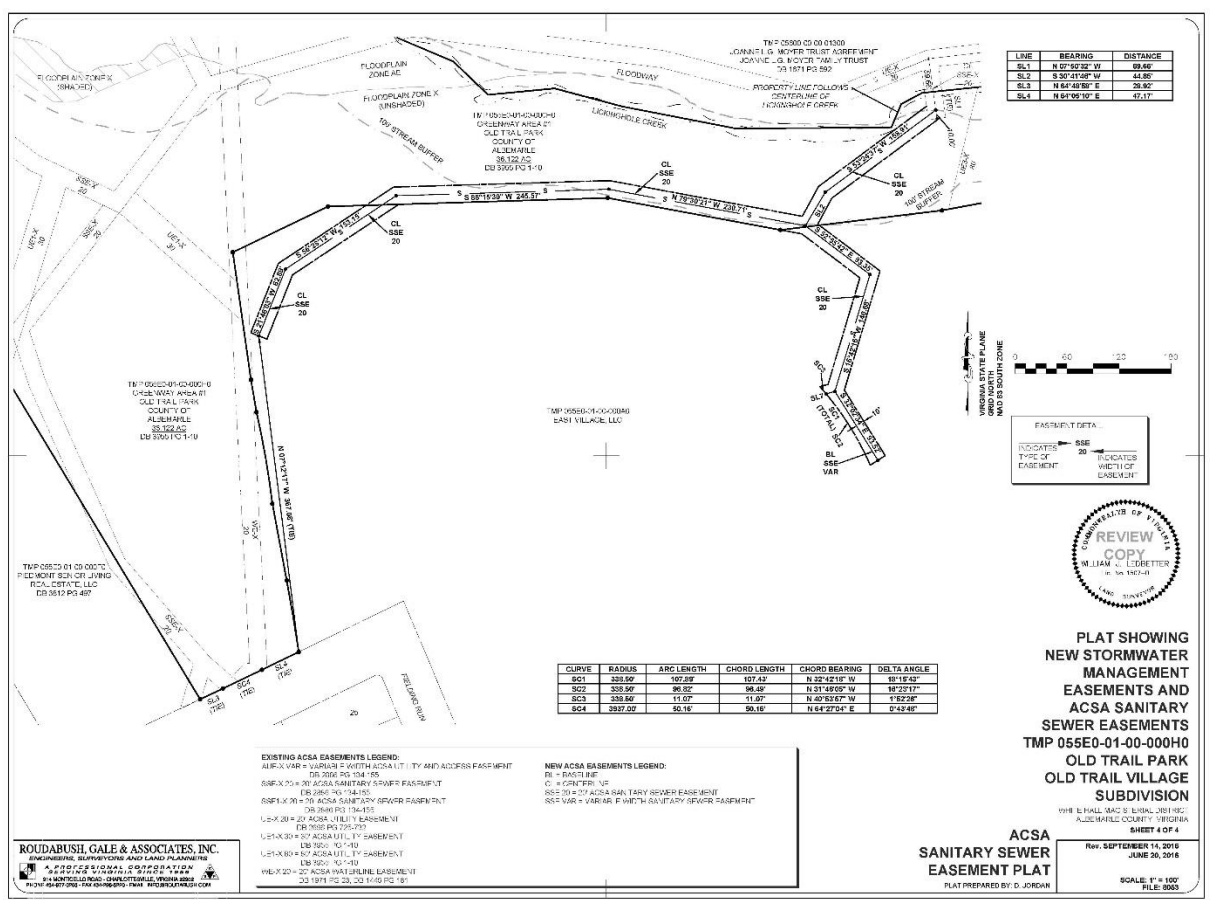
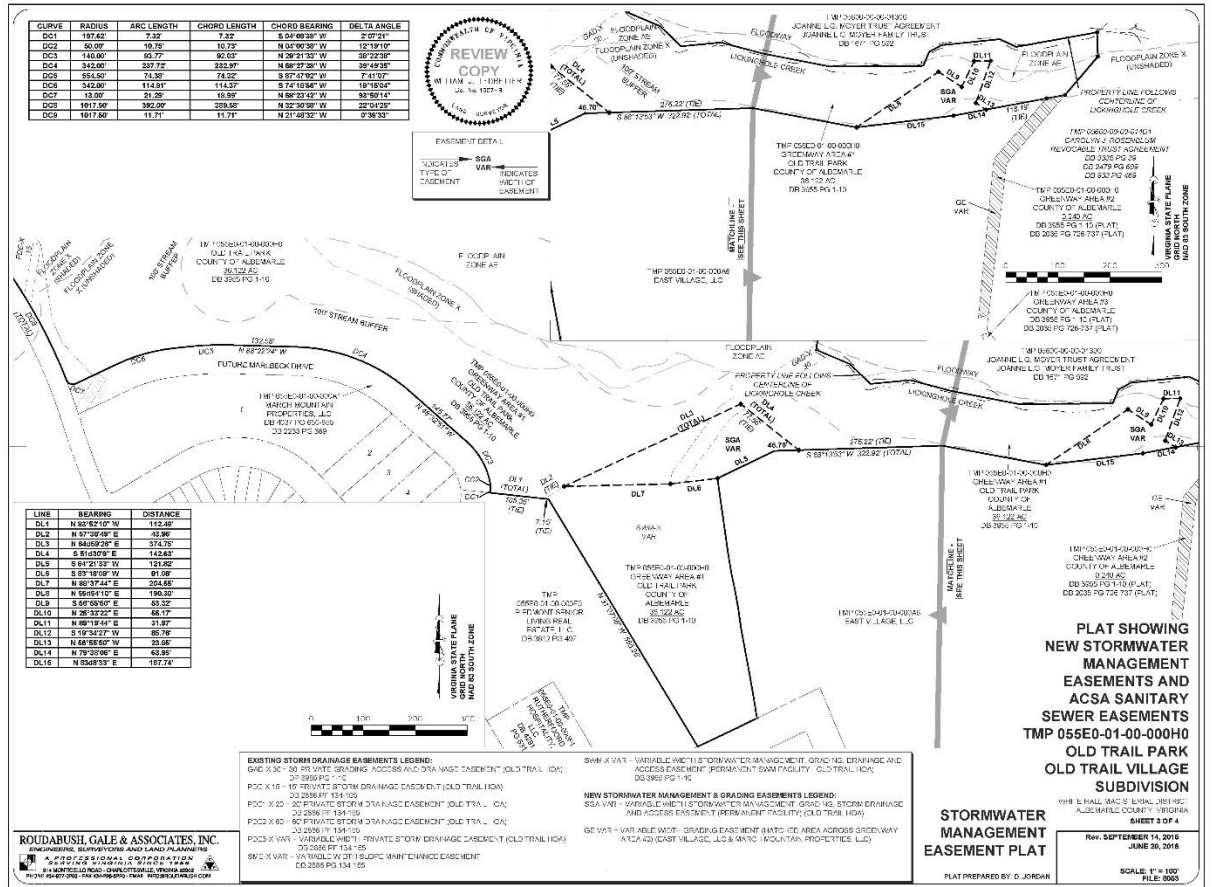
By: \_\_\_\_\_  
Thomas C. Foley, County Executive

**ALBEMARLE COUNTY SERVICE AUTHORITY**

By: \_\_\_\_\_  
Gary O'Connell, Executive Director

\*\*\*\*\*





**Agenda Item No. 17. Public Hearing: Agricultural and Forestal Districts Ordinance Amendment.** To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 3, Agricultural and Forestal Districts, by amending Sections 3-201, Creation of Districts, and 3-203, Addition of land to district. The ordinance would state the criteria provided in Virginia Code § 15.2-4306 that are considered in the review of an application to create or to add land to a district, rather than to incorporate them by reference, and would add as a criterion whether a parcel has one or more development rights to allow the creation of one or more parcels less than 21 acres in size.  
 (Advertised in the Daily Progress on September 26 and October 3, 2016.)

The Executive Summary presented to the Board states that Agricultural-Forestal Districts are voluntary conservation districts that, among other restrictions, prevent most small-lot (under 21 acre) subdivisions. In recent years, many proposed additions to the Districts have been parcels that have no



small-lot development rights. A development right allows a parcel to be divided to create a lot of less than 21 acres. These parcels are not affected by the Districts' subdivision restrictions, so adding them to a District results in little or no conservation gain.

However, landowners can use their District membership to qualify for the open-space category of use-value taxation. This means that landowners who are not making a significant conservation impact can receive a tax benefit that is meant to support conservation.

This tax benefit available for parcels that cannot otherwise be subdivided can be reduced if the County stops accepting parcels without development rights into a District.

On April 18, 2016, the Agricultural-Forestal Districts Advisory Committee voted 5:3 to endorse a policy of not accepting parcels without development rights into a District.

The members of the Committee who voted in favor of the new policy to not accept parcels without development rights into a District generally found that adding those parcels to a District resulted in little or no conservation benefit. The Committee members who voted against the new policy were concerned that it would limit the number of parcels that were able to join the Districts and could prevent some gaps in the Districts from "filling in."

The new policy would, in fact, limit opportunities for some landowners to join the Districts. This could mean that Districts that currently have gaps might not be able to fill those gaps. However, many existing Districts have gaps or non-contiguous areas and have consistently been found to be viable during past District reviews. Also, filling in the gaps in Districts with parcels without small-lot development rights would give an impression of greater protection on County maps, but would not significantly protect those parcels.

Disqualifying some parcels from District membership might seem to reduce their land-conservation options. However, in the case of 21-acre lots with no further development potential, the opportunity for conservation by joining a District has already been lost, and adding them to a District does not prevent any development. Larger parcels with potential only for 21-acre lots would not be effectively protected by inclusion in a District, and would be more effectively protected by a conservation easement. Those small parcels with potential for subdivision and development would remain eligible to join a District.

The proposed regulations attached would revise two sections of Chapter 3 (Agricultural-Forestal Districts) of the Albemarle County Code. The proposed amendments would provide an additional criterion for analyzing proposals for new Districts or additions to existing Districts by expressing the Board's policy to only accept parcels with development rights into a District.

The budgetary impact of these proposed amendments is difficult to predict with any certainty. Generally speaking, the amendments could limit revenue reductions by reducing the number of parcels that qualify for use-value taxation.

Staff recommends that, after the public hearing, the Board adopt the attached ordinance (Attachment A).

---

Mr. Scott Clark, Senior Planner, addressed the Board and stated that the matter under discussion is the standards for acceptance of parcels into agricultural forestal districts. He explained the AF districts are a voluntary conservation program and apply restrictions on the ability to use small lot development rights to create new lots. He said over the past several years, an issue has arisen as many new additions to the AF districts have been parcels without small lot development rights, and they are not restricted by the districts. Mr. Clark said these parcels give up no subdivision potential and have no conservation impact; however, once in a district these parcels can qualify for open space use valuation taxation. He stated that landowners who are not making a significant conservation impact can receive a tax benefit that is meant to support conservation, which results in lost revenue, subsidizing of rural development, and lack of fairness.

Mr. Clark offered a proposed solution, which was endorsed April 18, 2016 by the Agricultural Forestal Districts Advisory Committee by a 5-3 vote. He explained the proposed change to the ordinance would establish a new standard of only adding new parcels with small lot development rights to the districts. He referenced the executive summary, which has the new code changes: the first change would be to Section 3-201, and Subsections C and D would be amended. Mr. Clark stated that the only real change is the addition of criteria factor #7 for consideration of applications under Subsection F; Section 3-203(B) would add a reference to Subsection F. He said that staff recommends adoption of the revised ordinance after the public hearing.

Mr. Dill asked Mr. Clark to clarify what he means by "subsidizing rural development." Mr. Clark replied that one of the attractions of lots in the rural areas is the ability to join an AF district and receive a lower tax rate.

Ms. Mallek pointed out that newspaper advertisements of land for sale will highlight that a property qualifies for land use, and so this measure is important.

Ms. Palmer asked if this change will be in the State Code. Mr. Clark replied that it is not in the state code.

Mr. Kamptner explained that state law allows localities to consider other factors they consider to be relevant, and in this case they are considering codification of a factor to be considered relevant.

Ms. Palmer asked how this amendment could interfere with this purpose, if the purpose of an AF district is to preserve prime agricultural land and soils. Mr. Clark said the most effective way that AF districts protect agriculture and resources in the rural area is by preventing subdivision.

Ms. Mallek said that other elements of conservation easements are available for those who are serious about stewardship and wish to ensure land use value

Ms. Palmer asked if a property of 21 acres can be put in a land use for a forest. She asked for confirmation of her understanding that this could not interfere with protection of AF land and soils. She asked if one could obtain open space without being in an AF district. Mr. Clark replied that 20 acres is the minimum for the forestry tax category. He said he is not aware of any other program that requires a property owner to be in the district first before they can do something else. He said that whether or not one is in a district, they can still do a conservation easement.

Mr. Kamptner said that a perpetual easement or a recorded commitment, such as an open space use agreement of up to 10 years, are ways to obtain open space.

Ms. Palmer asked if a person with 21 acres who is not in a forestal district could qualify for open space if they had a house on 1 acre and 20 acres of open space. Mr. Herrick replied that the acre devoted to the house site is excluded, so 21 acres would be required. He said that 5 additional acres devoted to agriculture or 20 acres devoted to forestry or open space would be required. Mr. Herrick explained that there are three options to obtaining open space: to be within an AF district, an open space use agreement, and a perpetual conservation easement. He noted that even with this amendment, property owners could still apply for a perpetual easement or an open space use agreement.

Mr. Randolph thanked staff for their work and stated that they have been obtaining little in conservation gain, and County taxpayers have been paying the taxes for property owners who are not making a long-term commitment to the property. He said they need to attract property owners who will be committed to this plan instead of those who seek to take advantage of it, and this is a long overdue reform.

Mr. Dill asked what happens when property changes hands. Mr. Clark responded that it remains in the district.

Mr. Dill asked if a property owner who does not qualify now because they do not have development rights will lose the tax benefits when the land changes hands. Mr. Kamptner replied that the owner will remain in the district and it will become a factor of consideration upon 10-year renewal of the district, adding that the district is looked at as a whole.

Mr. Clark said they have never recommended against continuing a district, and said the discussion has been about how to manage new parcels that are added to districts. He said if they start applying this standard to district reviews, especially with the larger districts, the review of the development potential of every parcel within a district would be a huge task beyond the capacity of his office.

Ms. Palmer opened the public hearing.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said his organization generally supports these changes, but suggested they consider a few issues. Mr. Werner stated that it is very reasonable to limit the AF designation to an assemblage of parcels that meet the district criteria, but his understanding of the intent is to remove subdivided parcels that have no further subdivision. He suggested that they conduct an official determination of each parcel.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He expressed his concern over what the Board is trying to do and what the goal is. He provided an example of a property owner with 1,000 acres but only subdivisions of 21 acres left, who wants to put 1,000 acres into an AF district. He said the new #7 factor criteria would likely not permit this, and he does not think the amendment has been thought through enough. Mr. Williamson expressed his belief that land use taxation as it is written works, and this proposal is a back door to mandating conservation easements.

As there were no additional speakers to address the Board, Ms. Palmer closed the public hearing.

Ms. Mallek, addressing Mr. Williamson's example, said the 1,000-acre parcel would likely have many other attributes in the list of eight criteria under which it would be accepted. She emphasized that not all eight criteria have to be met, and the AF Committee has discretion to make a recommendation to the Board. She said the land use program has to work really well in order to survive, succeed, and be fair, and the committee discovered a way in which the program was being misused.

Mr. Kamptner commented that the eight factors are criteria and not hard and fast standards, as the applications will be considered as a whole.

Mr. Randolph **moved** to adopt the proposed ordinance. The motion was **seconded** by Ms.

Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

### **ORDINANCE NO. 16-3(2)**

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, 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, is hereby amended and reordained as follows:

#### **By Amending:**

Sec. 3-201      Creation of districts  
Sec. 3-203      Addition of land to district

### **Chapter 3. Agricultural and Forestal Districts**

#### **Article II. Districts of Statewide Significance**

##### **Sec. 3-201 Creation of district.**

Each agricultural and forestal district of statewide significance shall be created as provided herein:

A.      *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director for the creation of a district. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be included in the district. Each submitted application shall be accompanied by: (i) maps or aerial photographs, or both as may be required by the director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the director; and (ii) the fee required by section 3-206.

B.      *Receipt and referral of application.* Upon receipt of an application for a district, the director shall refer the application to the advisory committee.

C.      *Advisory committee review.* Upon receipt of an application from the director, the advisory committee shall review the application and any proposed modifications and report its recommendations to the planning commission. The advisory committee shall apply the criteria in subsection (F) in its review of each application.

D.      *Planning commission review.* Upon receipt of the report of the advisory committee on an application, the planning commission shall: (i) provide the notice required by Virginia Code § 15.2-4307(1); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the board of supervisors. The planning commission shall apply the criteria in subsection (F) in its review of each application. The planning commission's report shall include the potential effect of the district and any proposed modifications upon the county's planning policies and objectives.

E.      *Hearing and action by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provide herein.

1.      The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309.

2.      The board of supervisors shall act to either adopt the ordinance creating the district, or reject the application, or any modification to it, within one hundred eighty (180) days after the application date set by the director under which the application was received.

F.      *Criteria to be applied by the advisory committee and the planning commission.* The advisory committee and the planning commission shall apply the following criteria in their respective reviews of each application:

1.      The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto; in judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);

3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

4. Local development patterns and needs;

5. The comprehensive plan and the applicable zoning regulations;

6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses;

7. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than twenty-one (21) acres in size; in considering whether to include any parcel in a district, the policy of the county is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than twenty-one (21) acres in size; and

8. Any other matter which may be relevant.

(§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference**--Va. Code §§ 15.2-4303 through 15.2-4307 and 15.2-4309.

### **Sec. 3-203 Addition of land to district.**

Land may be added to an agricultural and forestal district of statewide significance as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director to add one or more parcels to an existing agricultural and forestal district of statewide significance. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be added to the district.

B. *Procedure.* The procedure for adding land to a district shall be the same procedure provided for the creation of a district in section 3-201(B) through (F).

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference**--Va. Code § 15.2-4310.

---

Agenda Item No. 18. **Public Hearing: SP-2016-00009. Faith Christian Center International & SP-2016-00013. Faith Christian Center International – Daycare Amendment (Sign 102).**

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 078000000047A0.

LOCATION: 2184 Richmond Rd.

PROPOSAL: Amend existing special use permits to change planting standards in stream buffer.

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. Day care

facility, as permitted under Section 10.2.2.7 of the Zoning Ordinance. No dwellings proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

(Advertised in the Daily Progress on September 26 and October 3, 2016.)

The Executive Summary presented to the Board states that at its meeting on August 23, 2016, the Planning Commission voted 6:0 (Dotson absent) to recommend approval of SP201600009 and SP201600013 with conditions recommended by staff. Approval of these two special use permits will require two actions by the Board.

Attachments C, D, and E contain the action letter, staff report, and minutes from the August 23 Planning Commission meeting. Condition #5 regarding the Health Department's approval of well and/or septic (onsite sewage) systems was deleted from the conditions for both special use permits because the Health Department approval is a State requirement that must be met before any final site plan can be approved.

Staff recommends that the Board adopt the attached Resolutions to approve SP201600009 and SP201600013 (Attachments A and B), subject to the conditions attached thereto.

---

Mr. Scott Clark presented an aerial photograph and map of the property and displayed a planning and zoning history of the property. He reported that the proposal is to change the required stream buffer planting standard for both special use permits from Restoration/Establishment Table A in the Virginia Department of Conservation and Recreation's Riparian Buffers Modification and Mitigation Guidance Manual to Restoration/Establishment Table B, option B. Mr. Clark said the stream buffer area to be planted was significantly disturbed under the previous use of this property, which included approximately 20 mobile homes, and during that time, the stream buffer was largely cleared, with mobile homes occupying portions of the buffer. He stated the Table A standard that was applied to these special use permits by condition in 2010 is intended for sites of one-quarter acre or less; the proposed Table B standard is intended for areas of more than one-quarter acre; the replanting area on this site is approximately 1.13 acres. Mr. Clark showed a slide with a side-by-side comparison of Table A and B requirements.

Mr. Clark said that staff has not identified any factors unfavorable to the proposal and have found two factors in favor of the proposal: 1) the proposed change meets the Department of Conservation and Restoration's standards for riparian buffer planting areas; and 2) the proposed change will still result in an improved riparian buffer. He listed some recommended changes to the conditions of approval: in Condition 4 for each permit, the words "shall be required" are being deleted to fix a grammatical error; Condition 5 for each permit is deleted, as the requirement for Health Department approval of well and septic systems is already a requirement of site-plan approvals; in Condition 6 for each permit, a change in planting standard has been made and a clarification is added that portions of the buffer still having tree cover do not need to be replanted; and Condition 7 of the special use permit for the church, which sets the time limit for work to begin on proposed uses, is being deleted. Mr. Clark noted that work has already begun on the site, so this condition is no longer needed, and the matching condition on the daycare special use permit was already a part of the approval of SP-2012-00013.

Mr. Clark said that on August 23, 2016, the Planning Commission voted 6-0 to recommend approval of both SP-2016-00009 and SP-2016-00013 with the conditions recommended by staff. He said that staff recommends approval of both, subject to the conditions attached.

Ms. Mallek commented that the landward 50 feet shown in the photograph is vertical and perhaps smaller ones would grow better, and she asked if work would be done to stabilize loose dirt before planting to ensure success.

Mr. Clark stated that he thinks tree whips and tubes would go a long way in stabilization. He said both the applicant's representative and the County Engineer have said the seedlings or whips would be more likely to succeed than the previous Table A pattern, and would be easier to water and maintain, and that a good number of trees should survive. He said the larger, more established trees they required before would have been harder to maintain and water and have a lower chance of survival.

Ms. Mallek asked if anything is being done to stabilize the soil in the 6'x 6' grids, such as mulching, to cover the red soil. Mr. Mark Graham, Director of Community Development, said the Water Protection Ordinance already requires stabilization of the site, regardless of whether trees are planted, and said they will try to have this done before winter.

Ms. Palmer opened the public hearing.

Mr. Wayne Frye, Senior Pastor of Faith Christian International, addressed the Board. He thanked the Board and said that Mr. Clark has done a good job in explaining their request, offering to answer questions or comments from the Board.

As there were no citizens who wished to comment, Ms. Palmer closed the public hearing.

Mr. Randolph expressed his delight with the addition of more daycare, particularly in the eastern portion of the County. He expressed concern with traffic safety, as vehicles traveling eastbound in the morning will turn left into rush hour traffic on US 250 West, and traffic exiting from the daycare center will turn left on US 250 to head eastbound in the evening. He said that he voted against this proposal as a member of the Planning Commission due solely to his concerns about traffic safety and not on the merits of the application. He said he would vote for the proposal before them as it concerns Health Department approval, although he wishes to be on record expressing his concern with the location and traffic safety.

Mr. Randolph **moved** to adopt the proposed resolution approving SP-2016-00009, subject to the recommended conditions, and the proposed resolution approving SP-2016-00013, subject to the recommended conditions. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

**RESOLUTION TO APPROVE  
SP 2016-00009 FAITH CHRISTIAN CENTER INTERNATIONAL**

**WHEREAS**, the Faith Christian Center International (the "Owner") is the owner of Tax Map and Parcel Number 07800-00-00-047A0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to amend the conditions of approval for a Special Use Permit approved in September, 2010 (SP200700028) to change the planting standards in the stream buffer, and the application is identified as Special Use Permit 2016-00009 Faith Christian Center International (“SP 2016-09”); and

**WHEREAS**, the proposed change meets the Department of Conservation and Recreation’s standards for riparian buffer planting areas; and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-09 with conditions recommended by staff; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-09.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-09 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 §§ 18-10.2.2.35 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-09, subject to the conditions attached hereto.

\*\*\*\*\*

### **SP-2016-00009 Faith Christian Center International Conditions**

1. Development of the use shall be in accord with the conceptual plan titled “Faith Christian Center International Special Use Permit – Concept Plan” prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- building orientation;
- building mass, shape, and height;
- location of buildings and structures;
- turn lane design;
- location of parking areas;
- relation of buildings and parking to the street.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The area of assembly shall be limited to a maximum three hundred ninety nine (399)-seat sanctuary.
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to approval of the final site plan.
5. The area labeled “Re-planting Area” on the Conceptual Plan shall be replanted (where tree cover does not already exist) according to “Restoration/Establishment Table B”, option B, in Appendix D of the “Riparian Buffers Modification & Mitigation Manual,” published by the Virginia Department of Conservation & Recreation’s Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled “Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau,” published by the Virginia Department of Conservation and Recreation.

---

### **RESOLUTION TO APPROVE**

#### **SP 2016-00013 FAITH CHRISTIAN CENTER INTERNATIONAL – DAYCARE AMENDMENT**

**WHEREAS**, the Faith Christian Center International (the “Owner”) is the owner of Tax Map and Parcel Number 07800-00-00-047A0 (the “Property”) and of the daycare approved for the Property; and

**WHEREAS**, the Owner filed an application for a special use permit to amend the conditions of approval for a Special Use Permit approved in September, 2010 (SP200700029) to change the planting standards in the stream buffer, and the application is identified as Special Use Permit 2016-00009 Faith Christian Center International (“SP 2016-13”); and

**WHEREAS**, the proposed change meets the Department of Conservation and Recreation’s standards for riparian buffer planting areas; and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County

Planning Commission recommended approval of SP 2016-13 with conditions recommended by staff; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-13.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-13 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 §§ 18-10.2.2.7 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-13, subject to the conditions attached hereto.

\*\*\*\*\*

**SP-2016-00013 Faith Christian Center International Daycare Amendment Conditions**

1. Development of the use shall be in accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- building orientation;
- building mass, shape, and height;
- location of buildings and structures;
- turn lane design;
- location of parking areas;
- relation of buildings and parking to the street.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum number of children shall not exceed one hundred twenty (120) or the number of students as approved by the Health Department or the Department of Social Services, whichever is less.
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to approval of the final site plan.
5. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted (where tree cover does not already exist) according to "Restoration/Establishment Table B", option B, in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation.
6. The hours of operation for the day care shall not begin earlier than 7:00 A.M. and shall end not later than 6:00 P.M., each day, Monday through Friday, provided that occasional day care-related events may occur after 6:00 P.M.

---

**(Recess.** At 7:54 p.m., the Board recessed its meeting, reconvened at 8:13 p.m.)

---

**At this time, the Board returned to Agenda Item No. 14. SP-2015-00032. ReStore N Station (amendment of SP 200900034).**

Ms. Mallek **moved** to adopt the proposed resolution to deny SP-2015-00032. Ms. Palmer **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

**RESOLUTION TO DENY  
SP 2015-32 RESTORE'N STATION**

**WHEREAS**, Jeffries II, LLC is the owner of Tax Map and Parcel Number 055B0-00-00-00100 (the

“Property”); and

**WHEREAS**, a special use permit was approved by the Board for this property on November 3, 2010 (SP 2009-34), authorizing the use of 1,625 gallons of groundwater per day, which included conditions that limited groundwater use, as well as conditions that restricted building size and other activities on the site in order to restrict groundwater consumption; and

**WHEREAS**, Jeffries II, LLC filed an application for a special use permit to amend the conditions associated with the approval of SP 2009-34 to allow an intensification of development and activities on the Property, and the application is identified as Special Use Permit 2015-32 Restore’n Station (“SP 2015-32”); and

**WHEREAS**, on June 7, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2015-32 by a 6 to 0 vote; and

**WHEREAS**, on September 14, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-32 and considered five proposed conditions and deferred action at Jeffries II, LLC’s request to October 12, 2016; and

**WHEREAS**, on October 12, the Board considered alternative conditions proposed by Jeffries II, LLC 2016.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the transmittal summary and staff report prepared for SP 2015-32 and all of their attachments for both the September 14 public hearing and the October 12 meeting, the information presented at the public hearing, the information submitted after the public hearing and prior to the Board’s consideration of the application on October 12, the information presented on October 12, the factors articulated by the Planning Commission in its recommendation for denial and the factors relevant to this special use permit in Albemarle County Code §§ 18-1.4.10 and 18-33.8, the Albemarle County Board of Supervisors hereby denies SP 2015-32 for the following reasons:

1. The conditions imposed in conjunction with SP 2009-34 are reasonable, were not challenged following approval of SP 2009-34, and, therefore, should be retained without amendment; and
2. SP 2009-34 allows a reasonable use of the Property and a reasonable use exists on the Property; and
3. Jeffries II, LLC presented average but not peak water use readings. Therefore, the Board could not be assured that the peak water use demand would be at or below 1,625 gallons of groundwater per day with the development and activities proposed by Jeffries II, LLC.

---

Agenda Item No. 19. **Public Hearing: SP-2016-00010. Cornerstone Community Church Addition (Sign 105).**

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL: 04500000031D0.

LOCATION: 2001 Earlysville Rd .

PROPOSAL: Expansion of existing church from 180 to 250 seats.

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. No dwellings proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

*(Advertised in the Daily Progress on September 26 and October 3, 2016.)*

The Executive Summary presented to the Board states that at its meeting on August 23, 2016, the Planning Commission voted 6:0 (Dotson absent) to recommend approval of SP201600010 with conditions. The Planning Commission recommended four conditions (described below) in addition to those recommended by staff.

Attachments B, C, and D contain the action letter, staff report, and minutes from the August 23rd Planning Commission meeting.

Staff and the applicant have worked on the following four additional conditions recommended by the Planning Commission:

- The applicants should use “as large trees as possible” in the stormwater-treatment biofilters proposed for the site.

The following condition, which the applicant has agreed to, is now recommended.

The site plan for this expansion shall include trees to be planted in each biofilter or similar stormwater management facility. The tree species for these plantings shall be native species, shall be taken from the “Large Deciduous Trees” section of the County’s “Plant Canopy Calculations” document, and shall comply with the minimum caliper size or height listed in that document at time of planting. The



trees in each biofilter or similar stormwater management facility shall have a total mature canopy area, as calculated by the number of trees multiplied by the "Area of Canopy" value for each species in the "Plant Canopy Calculations" document, of at least 50 percent of the floor area of the biofilter.

- The applicants should reduce the length of the parking spaces along the existing reservoir buffer to reduce the impacts on that buffer.

The applicants have supplied a revised conceptual plan (Attachment G), dated 9/16/2016, that reduces the length of 42 spaces along the edge of the parking area from 18 feet to 16 feet. They state in their letter accompanying the revised plan (see Attachment E) that the reduction in parking-space size and other grading adjustments have reduced additional disturbance in the stream buffer for this proposal from 0.33 acres to 0.29 acres.

The following modification to recommended condition 1 is now recommended.

Development and use shall be in general accord with the conceptual plan titled "Cornerstone Community Church Addition – Application Plan" prepared by Timmons Group and dated 7/27/2016 9/16/2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- building orientation
- building size

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

- The applicants should work with staff to "recalculate the parking spaces across the site to determine whether or not they can further reduce impacts of the paved surface while still maintaining the same number of parking spaces."

Neither the applicant nor staff was able to find further opportunities to reduce impervious area while retaining the same number of parking spaces (see Attachment E). (The open grassy area northeast of the church building, which appears to have space for parking, is already occupied by the septic system for the church, and the church would prefer not to pave over it.) No additional conditions are recommended.

- That the applicants should work with staff to "investigate the use of permeable pavement."

Staff consulted the County Engineer to evaluate whether or not permeable pavement would be an effective method of water quality treatment on this site. The County Engineer does not support use of permeable pavers at this location—the planned biofilters can meet stormwater requirements, and permeable pavement requires frequent maintenance to remain effective. Please see Attachment F for more detailed County Engineer comments.

Attachment E includes the applicants' reasons for not using permeable pavers on this site.

Having investigated the use of permeable pavement as directed by the Planning Commission, and given the concerns raised by the County Engineer, staff is not recommending a condition requiring permeable pavement on this site.

In addition, Condition #5 has been revised to update the terminology of "septic system" to "onsite sewage system", and Condition #6 has been revised to clarify that the lighting plan shall be approved by the Zoning Administrator prior to approval of the final site plan.

The Planning Commission recommended approval with conditions, and staff has explored the feasibility of the additional four requests from the Commission. Staff believes that two of these requests (for reduced parking-space sizes and for trees in the biofilters) can be addressed with conditions that are included with the attached Resolution. No other changes to the recommended conditions are proposed. Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve the special use permit, subject to the conditions attached thereto.

---

Mr. Scott Clark presented a map of the property and surrounding area, as well as an aerial photograph and an architectural plan design of the property that shows the expansion areas of the building and parking lot. He stated the proposal is to expand church seating from 180 to 250, expand the building footprint from 6,250 square feet to 10,500 square feet, increase the building interior space from 9,000 square feet to 17,800 square feet (including additional basement space), enlarge the parking area from 46 spaces to 97 paved spaces, and add bio-filters for water quality management. Mr. Clark noted

that most of the site is within the Water Protection Ordinance stream buffer; however, the building predates the adoption of the ordinance, which is why it is permitted to expand within the buffer. He said that Zoning Ordinance Section 18.4-2.6(a) states that non-conforming structures that are only non-conforming because of stream buffer "may be expanded, enlarged, extended and/or modified" as if they were conforming.

Mr. Clark reported that staff has not found any unfavorable factors and has found two favorable factors: 1) the proposed site changes would include the addition of water quality protection measures that would help to protect the adjacent reservoir from runoff; 2) the Virginia Department of Transportation has not found that entrance improvements or a left-turn lane are necessary. He said the Planning Commission recommended the following: 1) the applicant should use "as large trees as possible" in the storm water treatment bio-filters proposed for the site, and they have worked with the applicant to develop an additional condition to require large, deciduous trees in the bio-filters; 2) the applicant should reduce the length of the parking spaces along the existing reservoir buffer to reduce the impacts on that buffer. He said the revised conceptual plan reduces the length of 42 spaces along the edge of the parking area from 18 to 16 feet, and the disturbance of vegetated stream buffer from 0.33 acres to 0.29 acres; 3) the applicant should work with staff to "recalculate the parking spaces across the site to determine whether or not they can further reduce impacts of the paved surface while still maintaining the same number of parking spaces"; and 4) the applicant should work with staff to "investigate the use of permeable pavement." Mr. Clark stated that the County Engineer does not recommend permeable pavement on this site for several reasons, including that storm water requirements can be met with the proposed bio-filters, the proposed onsite treatment is a benefit adjacent to the reservoir, and there are high maintenance requirements to preserve effectiveness, as well as safety issues.

Mr. Clark said that staff recommends approval of the special use permit with the seven attached conditions.

Mr. Sheffield asked Mr. Clark to review the permeable pavement issue. Mr. Clark explained the applicant is concerned with putting permeable pavement on a slope, and the County Engineer said that permeable pavement would require frequent maintenance as the pavers clog and become less effective. He said they would also provide a safety issue for those walking in heels or with canes, and said that clay soils require more site work to remove and replace the soil underneath the pavement, as clay soil is not permeable.

Mr. Sheffield agreed that at this particular site, permeable pavers would not work; however, they have them at the JAUNT site and they work fine.

Ms. McKeel stated that each time permeable pavement comes up, it is squelched, and she wonders if there are some applications where they could use this type of pavement. Mr. Clark replied that his impression from speaking with the County Engineer is that they are better for low-volume use and for actual parking spaces, but not for heavily used travel ways.

Ms. Mallek referenced the aerial view of the property to point out a swath of evergreen trees at the back of the parking lot that will be removed to enlarge the lot. She expressed her opinion that the runoff water velocity and volume will increase if the tree area is paved with asphalt and will run off into the river. She suggested they have a lot with fewer than 97 parking spaces. Mr. Clark said the applicant was interested in breaking up the parking area, but due to size limits of the property and their need for parking, they did not have an option. He pointed to a grassy area behind the church where the septic system is located, and said it would be a disruption to break this up to install parking. He said the array of bio-filters at the bottom of the hill on the property will catch runoff.

Ms. Mallek asked if there will be terracing with drains or if the water will sheet drain into the bio-filters. Mr. Clark replied that there will be structures or land forms to guide the flow into the filters.

Ms. Mallek expressed her concern of a "monster erosion" into the reservoir and described the location as high risk. She said the location may not be the best place for this large of a congregation, and she will need some persuading that this is a good thing to do.

Ms. Palmer said she passes by the church every day and is surprised that VDOT said there would not be a problem with traffic. She asked if staff ever suggested that a project is not the right size.

Ms. Elaine Echols, Acting Chief of Planning, replied that they look at what a site can accommodate and also look at the history of rural area churches and the sizes of congregations that are approved. She said the Planning Commission made it clear that they did not want them to have to reduce the number of parking spaces. She stated that staff looks at what the ordinance will allow and what a site can accommodate, and it was their conclusion that the site could accommodate the larger parking lot with the given zoning allowances. She noted that they do look at whether there would be too much on a site and do suggest modifications.

Ms. Mallek asked Ms. Echols to elaborate on her mention of "given zoning allowances" and what this means. She said that rural parcels are generally huge with a small building and not a large building on a small site.

Mr. Clark said it refers to setbacks.

Ms. Echols responded that she is referring to the zoning ordinance that references the allowance

of non-conforming structures to be enlarged. She stated that zoning would not prevent an applicant from expanding a site, though they could ask, and said this site is unusual as it is mostly within a stream buffer.

The Chair opened the public hearing.

Mr. Greg Katarsky, of the Timmons Group, representing the applicant, said he will address the Board. He stated that Cornerstone Community Church is the owner of the property and the church was built in the 1980's. He displayed an aerial photograph of the site and an architectural drawing that shows the existing church and lot and the proposed expansion. Mr. Katarsky stated they are increasing impervious surface in the buffer area and want to be good stewards of the property. Mr. Katarsky said the impervious surface will increase from .82 acres to 1.01 acres, which he described as a small increase in impervious surface, but a large increase in church capacity from 180 to 250 seats. He stated they are already impacting the WPO and showed an architectural drawing with areas shaded in green representing the additional impact of 6,200 square feet to the buffer for the parking. Mr. Katarsky noted that the additional impacts total 5,300 square feet and are necessary to bring in water quality features, such as the bio-filters. He said the Planning Commission asked them to reduce the depth of parking stalls, which allowed them to reduce overall additional impacts to the buffer from 14,000 square feet to 11,500 square feet.

Addressing Mr. Sheffield's comment about using permeable pavement, Mr. Katarsky said that bio-retention cells around the parking area allow for a more natural flow of water. He stated they also want to use the existing base of the parking lot to reduce costs rather than tearing it up and starting all over, and permeable pavers do not meet storm water specification as they are too steep and encourage runoff. Addressing Ms. Mallek's comments about removing trees from the property, he said they did consider having a median between two parking bays, but they wanted to limit how much they pushed into the buffer and maintain plantings on the outskirts while maximizing the amount of parking. Mr. Katarsky stated that they intend to plant bio-retention facilities with a tree canopy coverage equal to 50% of their bottom area. Regarding Ms. Palmer's observation that VDOT did not express traffic concerns and suggest a left-turn lane, he said an analysis was conducted at both 40 and 50 mph speeds, and it was determined that a left-turn lane would not be warranted. He noted that there is adequate site distance to both the left and right when pulling out.

Ms. Palmer asked if they have another location for septic if the septic tank field were to fail. Mr. Katarsky responded that they have another location in the field to the north of the building.

Ms. Mallek asked if there is a holding tank, as 250 people at the church using the toilet at the same time could cause it to fail. Mr. Katarsky responded that it would not fail, as they conducted an assessment of the system and made some upgrades requested by the Department of Health, so it is adequate for 250 seats.

Ms. Mallek asked if it would still work without a holding tank that would release liquid slowly instead of all at once and said she is interested in learning more about this. Mr. Clark said they have a condition requiring documentation of Health Department approval.

Ms. Mallek pointed to the architectural drawing of the site and asked about an area in the northwest corner and if they had considered moving parking closer to the black dotted line, which would allow the middle row of parking to be moved further north and away from the reservoir. Mr. Katarsky said they did look at this, but they would have had to build more access roads and impervious surface. He mentioned there is also an issue of conveyance and getting storm water off the parking spaces to the bio-retention facilities, and they wanted to condense things.

Mr. Clark added that during the review, rather than asking the applicant to move parking into that area, they discussed the possibility of adding more trees, but the church uses this corner of the property for outdoor meetings and activities.

Ms. Mallek pointed out that if they are not able to get approval for 97 spaces, they could use school buses or other alternatives to transport parishioners to the church. Mr. Katarsky explained how they determined a need for 97 spaces. He said that rural area churches are required to conduct a parking study, and the rule of thumb is that parking equals 80% of seating capacity, which in this case would be  $200 \times .45 = 90$  spaces. He said that .45 is the figure to use according to the IT Traffic Engineers Manual, and they added a few extra spaces for church employees and potential growth in the congregation.

Mr. Randolph commented that they did the best they could with this site. He expressed his concern with two sharp right-hand turns going south and he suggested they consider installing blinking lights 1/8 mile from the entrance when church is in session, to alert traffic.

Ms. Palmer asked if VDOT or the County allows flashing lights along a road. Mr. Kamptner responded that County regulations do not permit flashing signs, and that a petition to VDOT would have to be made.

Ms. Mallek pointed out that some parishes hire an off-duty sheriff to sit outside with flashing lights on the police car, and this seems to solve the problem.

As there were no additional persons who wished to speak on the matter, Ms. Palmer closed the public hearing.

Mr. Sheffield **moved** that the Board adopt the proposed resolution approving SP-2016-00010 subject to the recommended conditions. Ms. McKeel **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. McKeel.

NAYS: Ms. Mallek.

**RESOLUTION TO APPROVE  
SP 2016-00010 CORNERSTONE COMMUNITY CHURCH**

**WHEREAS**, the Monticello Wesleyan Church, which is now operating under the name of the Cornerstone Community Church (the "Owner"), is the owner of Tax Map and Parcel Number 04500-00-00-031D0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to expand the existing church building by adding 8,800 square feet of internal space, increasing the external footprint by 4,250 square feet, and by expanding the associated parking on the Property, and the application is identified as Special Use Permit 2016-00010 Cornerstone Community Church ("SP 2016-10"); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code §§ 18-10.2.2.35 and 18-4.2.6(a); and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-10 with modified conditions; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-10.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-10 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 §§ 18-10.2.2.35, 18-4.2.6(a), and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-10, subject to the conditions attached hereto.

\*\*\*\*\*

**SP-2016-00010 Cornerstone Community Church Conditions**

1. Development and use shall be in general accord with the conceptual plan titled "Cornerstone Community Church Addition – Application Plan" prepared by Timmons Group and dated 9/16/2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- building orientation
- building size

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The site plan for this expansion shall include trees to be planted in each biofilter or similar stormwater management facility. The tree species for these plantings shall be native species, shall be taken from the "Large Deciduous Trees" section of the County's "Plant Canopy Calculations" document, and shall comply with the minimum caliper size or height listed in that document at time of planting. The trees in each biofilter or similar stormwater management facility shall have a total mature canopy area, as calculated by the number of trees multiplied by the "Area of Canopy" value for each species in the "Plant Canopy Calculations" document, of at least 50 percent of the floor area of the biofilter.
3. The area of assembly shall be limited to a maximum 250-seat sanctuary.
4. There shall be no day care center or private school on site without approval of a separate special use permit.
5. The applicant shall obtain Virginia Department of Health approval of well and/or onsite sewage system prior to approval of the final site plan.
6. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be approved by the Zoning Administrator or his/her designee prior to approval of the final site plan.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by October 12, 2019, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

**(Note: The next two agenda items were discussed jointly:)**

Agenda Item No. 20. **Public Hearing: SP-2016-00015. Springhill/Towneplace Suites (Signs 59 & 60).**

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL: 061Z0-03-00-00200.

LOCATION: 1305 Seminole Trail (approximately 900 feet north of the intersection of Greenbrier Drive and Route 29).

PROPOSAL: Establish a 192 room, five story hotel with associated structured parking (see SP201600016 for structured parking information).

PETITION: Hotel, motels and inns under Section 22.2.2(7) of the Zoning Ordinance.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/acre).

OVERLAYS: Entrance Corridor, Managed Steep Slopes, Airport Impact Area.

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space in Neighborhood 2 of Places29.

*(Advertised in the Daily Progress on September 26 and October 3, 2016.)*

---

Agenda Item No. 21. **Public Hearing: SP-2016-00016. Springhill/Towneplace Suites Parking Structure (Signs 59 & 60).**

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL: 061Z0-03-00-00200.

LOCATION: 1305 Seminole Trail (approximately 900 feet north of the intersection of Greenbrier Drive and Route 29).

PROPOSAL: Establish structured parking associated with a 192 room, five story hotel (see SP201600015 for hotel information).

PETITION: Stand-alone parking and parking structures under Section 22.2.2(9) of the Zoning Ordinance.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/acre).

OVERLAYS: Entrance Corridor, Managed Steep Slopes, Airport Impact Area.

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space in Neighborhood 2 of Places29.

*(Advertised in the Daily Progress on September 26 and October 3, 2016.)*

The Executive Summary presented to the Board states that at its meeting on August 23, 2016, the Planning Commission voted 6:0 (Dodson absent) to recommend approval of both SP201600015 (Hotel) and SP201600016 (Parking Structure) with conditions. Attachment C-E include the Planning Commission's action letter, staff report and minutes from August 23. Attachment F is the revised concept plan dated June 5, 2016, which was provided to the Planning Commission just prior to the August 23 meeting, and which was the basis for the Planning Commission's decision to recommend approval.

Since the Planning Commission meeting, the applicant has made a minor change to the parking structure. This change can be seen on the updated concept plan dated September 29, 2016, provided as Attachment G. The second floor of the revised parking structure is now fully square, whereas the second floor of the parking structure reviewed by the Planning Commission did not contain any parking area located in the northern corners of the structure. The shaded corners on the upper level of the parking structure represent the additional area proposed by the applicant. Staff has updated proposed Condition #1 to reference the date of the revised concept plan, and to clarify that the development and use of the site shall be in general accord with the concept plan.

In addition, the Applicant requested a special exception to waive the 15 foot setback requirement for floors above 40 feet or the third story, whichever is less, under County Code § 18-4.20(a) for the hotel as set forth in the August 23, 2016 Planning Commission staff report. Because the closest point of the proposed hotel is to be located 240 feet from the right-of-way of Route 29, staff has no concerns regarding the building's massing to the street.

Staff recommends that the Board adopt: 1) the attached Resolution to approve SP201600015 and SP201600016 (Attachment A), subject to the conditions attached thereto; and 2) the attached Resolution to approve the Special Exception (Attachment B).

---

Mr. J. T. Newberry, Senior Planner, addressed the Board, presenting architectural drawings of the property within the context of the Comprehensive Plan and zoning map, along with an aerial photograph of the site. He said the property is designated for urban density residential and urban mixed-use and is zoned C1 commercial, and he provided an outline of the request: to demolish existing buildings to construct a 192-room, 5-story hotel and associated 2-story parking structure. Mr. Newberry

said that two different Marriott hotel brands will operate onsite: Springhill Suites would occupy the half of the building closest to Route 29, and Towneplace Suites would occupy the half located closer to the rear of the property. He stated that an out-parcel of approximately 0.75 acres adjacent to Route 29 would be reserved for future development, noting that a special exception is requested from the minimum 15-foot setback requirement for structures over three stories. Mr. Newberry said the applicant has redesigned the parking structure from the original architectural plan drawing, and he presented a drawing of the new proposed parking structure. He next showed a graph depicting the assessed land and improvement values of the property since 1995, with land value increasing substantially and improvement value declining. He noted that site redevelopment would help achieve a Comprehensive Plan goal to transform underutilized commercial properties.

Mr. Newberry provided a list of four factors in favor and two factors unfavorable for the hotel, citing the favorable factors as: 1) the hotel supports and complements the existing mixture of uses in a community center; 2) redevelopment of the site will result in storm water controls where none currently exist; 3) redevelopment of the site will transform an underutilized commercial property; and 4) the request is consistent with the Comprehensive Plan. He stated that the unfavorable factors are: 1) no direct pedestrian connection to the parcel to the north is provided; and 2) some landscaping used to mitigate visual impacts from the development is not located on the subject parcel's property.

Mr. Newberry provided a list of two favorable factors and one unfavorable factor for the parking structure, with the favorable factors as: 1) the parking structure is not anticipated to be visible from Route 29 and a majority of visual impacts to Hillsdale Drive will be buffered by existing mature vegetation held in a permanent detention and drainage easement by the County; and 2) the request is consistent with the Comprehensive Plan. He stated that the unfavorable factor is: 1) some landscaping used to mitigate visual impacts from the development are not located on the subject parcel's property.

Mr. Newberry provided a list of recommended conditions: 1) use of site shall be in general accord with the concept plan "Concept Plan for Springhill/Towneplace Suites" dated 6/2/2016, last revised on 6/5/2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development and use of the site shall reflect the general size, arrangement and location of the proposed hotel, associated parking areas (including the parking structure) and inter-parcel connections. Minor modifications, as approved by the Zoning Administrator, to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; 2) no parking shall be permitted between the right-of-way and the primary structure located in the future development parcel, as identified in the concept plan; and 3) the landscape plan shall be subject to approval of the Architectural Review Board.

Ms. Mallek asked Mr. Newberry to go over the exception of the setback. Mr. Newberry stated that for stories four and five the zoning ordinance requires a 15-foot setback. He said that due to the distance from Route 29, staff supports the exception, and the goal of the ordinance in terms of pulling structures off the road is to break up massing.

Ms. Mallek asked if the Architectural Review Board has seen the design plan, noting that to the north and south, the massing is much more visible. Mr. Newberry responded that the ARB has completed a preliminary review and they are comfortable with the proposal, and it would not come before them for further review.

Ms. Palmer asked for further explanation of the vegetation buffer. Mr. Newberry said the applicant has obtained an easement to the north of the site to plant 65 evergreen trees. He stated that the adjacent property is a Fairfield Inn, which is another Marriott property, and the applicant has secured cooperation from this property owner to enhance the existing vegetation. Mr. Newberry said that from Hillsdale Drive, the property to the east is the Charlottesville Association of Realtors (CAAR) site, and just above is a detention area that contains mature vegetation and is owned by the County. He noted that some of the buffer behind Food Lion is not within an easement and there is not a high potential for development, although it is not within control of the applicant.

Ms. Palmer asked if the parking structure would be exposed if the Food Lion were to be redeveloped. Mr. Newberry responded that the parking structure is two stories, but it would be difficult to know yet if it would be visible.

Ms. Mallek stated that in terms of the evergreen trees being pine, bark beetles could take care of them in one year, and natural death of the trees is more likely than their being cut down. She asked if it would be permissible to have a condition requiring replanting if the trees were to die, but speculates this could not be done as the trees are on the property of another owner.

Mr. Randolph stated that he is struggling with the application and pointed out that although the Food Lion is within walking distance, there is a steep elevation decline that makes it difficult to walk to and from the hotel. He said he would like the applicant to establish a pedestrian route so hotel guests will not have to drive to the Food Lion, emphasizing that the County has been making efforts to support multi-modal transportation. Mr. Kamptner responded that there was a discussion about a proposed path to the Food Lion prior to it being reviewed by the Planning Commission, and said there is no sidewalk on Branchlands Road in front of the hotel and Applebee's.

Mr. Newberry displayed an aerial drawing of the site and surrounding area and said that staff tried to find a pedestrian connection. He stated there is a sidewalk along Route 29 between the hotel and Food Lion, but it ends at Branchlands Road. He stated that an obstacle to creating a pedestrian sidewalk

between the properties is the elevation and retaining walls, adding that a concern of Marriott's is that pedestrian access could enhance liability, as 70% of their liability claims are from falls.

Mr. Randolph stated there is room for creative design, as a walking path can be designed to not be steep, and he does not think it would be a burden to the hotel to place a surveillance camera facing the path for safety purposes. He also expressed concern with the storm water impact analysis and how the neighborhood is susceptible to flooding, adding that he was surprised that neighborhood residents did not come to the meeting to address concerns. Mr. Newberry responded that Branchlands residents attended a community meeting and spoke with Frank Pohl, County Engineer. Mr. Newberry said he and a representative from Water Resources have walked around the back of the site to view how storm water is flowing and the existing forebay in the County-owned site adjacent to the proposed parking structure, and it appears to function reasonably well. He stated that the realignment of Hillsdale Drive is anticipated to provide more volume for storm water treatment, adding that it is the opinion of the County Engineer and Water Resources Manager that anything at this site would be an improvement.

Mr. Randolph agreed with Mr. Newberry that it is an improvement, although he is concerned that the improvements are addressing a 100-year flood event and not a 500-year flood event, and he questions the capacity of the improvements to handle additional volumes of water that could have an effect downstream on Branchlands.

Ms. McKeel asked if there was discussion about having pervious pavement for the parking lot. Mr. Newberry responded that there was not a discussion about pervious pavement, although an item that was brought up was the possibility of a green roof, which the County did not require as a condition but had suggested.

The Chair opened the public hearing.

Mr. Jim Daly, the applicant, addressed the Board. He said he would like to put in pedestrian access to the Fairfield Inn, as it would serve guests and make the operation of both hotels easier, but the problem is a steep incline towards the Food Lion, as well as liability with respect to muggings, slips and falls, and icy conditions. He noted that it is a remote area with limited visibility, and said they have discussed a zig-zag walking path although this would cut into the vegetation and trees of the buffer. Mr. Daly stated that if they install stairs, there would likely be a request for handicap access, adding that he is open to ideas and to working with planners.

Mr. Mike Myers of Dominion Engineering addressed the Board. He stated that they put together the concept plan and would address the questions that Board members presented. Regarding the view of the parking structure from Food Lion, he said they are proposing dense, evergreen screening on the property line, and once the trees grow and mature in a few years, they would not have to rely on the Food Lion screening. Regarding the question about visibility of the garage from Route 29, he said they did a study and determined that it would not be visible from the highway. He next referenced a winding footpath behind the property that Mr. Newberry had shown in his presentation. Mr. Daly stated that there is a concrete ditch and that water is slowly eroding it. He said they are required to provide an adequate outfall to a stable channel, and they are considering a rip-rap ditch down the hill to a storm structure in the Food Lion parking lot which goes into a forebay. He said they plan to add islands of green space and an underground vault/storm chamber in the back to hold back water, adding that drainage would be better after the development than it is predevelopment. He said the Department of Environmental Quality provides a menu of options for storm water management that includes pervious pavement, green roofs, rain gardens, bio-filters, infiltration factors, and other options. He said they will mainly employ structural measures. Mr. Daly explained how filter structures and bay filters work, stating that there are trees in a box that collect water runoff from the parking lot which helps them grow, and a bay filter is a manhole structure that takes runoff and filters pollutants. He added that they are considering these structures for the design.

Ms. Mallek asked if he expects to meet storm water requirements on the site rather than buying into the forebay offsite. Mr. Myers responded that they will meet requirements on site.

Ms. Palmer asked if the front that faces Route 29 will have a restaurant, and asked if the sidewalks allow safe access to Route 29. Mr. Myers responded that he does not think it has been determined. He turned to the applicant, who agreed that it has not been determined if they will have a restaurant. Mr. Myers said there is a good network of onsite sidewalks with connections to Route 29 from both sides of the entryway.

Ms. Mallek suggested they could install precast stairs to the Fairfield Inn parking lot.

Ms. Palmer asked about ADA requirements if a stairway were to be built. Mr. Myers replied that his understanding is that ADA access is required on the property, but not between sites.

Mr. Mark Dowdy, Project Manager with Daly, addressed the Board and stated that the code requires periodic landings with stairs and these would overshoot the parking lot. He said the only way they could do it would be as a switchback design, which would take out some of the natural buffer and require illumination that would end up drawing the eye to it. Regarding Mr. Newberry's comments about the north corners of the parking deck, he said it was a suggestion of the manufacturer to simplify the structural engineering, and it only affects the upper deck.

Ms. Mallek asked what the material in brown was. Mr. Dowdy responded that it was a thin brick.

There being no further public comment, Ms. Palmer closed the public hearing.

Mr. Kamptner clarified that the stepback should be approved first because it affects the conceptual plan.

Mr. Sheffield asked if there is any way they could conceive of having pedestrian access to the Food Lion, because when he used to stay at properties like this he would hate to get in his vehicle just to get something small. Mr. Newberry stated that they worked really hard on this, and the only way they would have had a legal requirement would have been to request a traffic study.

Mr. Kamptner responded the only way pedestrian access could be imposed as a condition would be if a traffic study were to provide evidence that it would reduce traffic. He said his suggestion to staff in terms of addressing pedestrian access was to be thinking in urban ways, not just putting in sidewalks that abruptly ended.

Mr. Randolph said that in some communities, a pedestrian path would be a requirement, not an option, and said that where there is a will there is a way. He stated he does not accept the argument that removing vegetation would be scarring, adding that vegetation can be replaced. He said he would vote against it because it goes against what they are trying to do in this corridor in terms of walkability, describing this as a 1950's project that is moving them backwards, not forwards.

Mr. Dill asked what the effect would be of the Hillsdale Drive improvements. Mr. Newberry said the Hillsdale Drive streetscape improvements near this site are complete and stop short of the site and do not impact it. He said there are crosswalks and sidewalks adjacent to the Food Lion.

Ms. Echols stated that short of a redesign, it would not be easy to obtain pedestrian access. She said the Board could ask that an alternative design be considered and offered the option of a deferral so they could discuss options with the applicant.

Mr. Sheffield said it is likely the hotel will outlive other buildings in the area, and so it will play a key role in future pedestrian connections as the neighborhood becomes more multi-modal.

Ms. Mallek informed the applicant that they want him to succeed and hopes they can come up with a new idea.

Mr. Myers said he discussed with his colleagues the option of creating pedestrian access along the roadways, such as extending the sidewalk from the intersection of Route 29 and Branchlands Boulevard to the entrance of Food Lion, which he said would require a permit from VDOT.

Mr. Sheffield **moved** to defer the special exception for SP-2016-00015 to the November 2, 2016 Board meeting. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

Mr. Sheffield then **moved** the adoption of the resolution approving SP-2016-00015 and SP-2016-00016 with conditions to the November 2, 2016 Board meeting. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

Ms. McKeel stated that storm water is coming up often and it would behoove them to look into the increased amount of rains and water and if they are requiring enough of storm water drainage requirements. Mr. Kamptner replied that they are doing all they can under state law and would require state approval to impose more restrictive standards, which would have to be based on a study.

Mr. Mark Graham addressed the Board and said that due to changes in the Virginia Storm Water Management Program, they can no longer decide to impose a stricter standard, as the State Water Control Board must approve this and there must be a basis for it. He said the County Engineer is working on making corrections and updates to the Water Protection Ordinance.

Ms. Mallek commented that Mr. Joel DeNunzio of VDOT had indicated that the Board can ask different types of questions regarding traffic during the application process, and would then obtain more useful information so that VDOT could then make better recommendations. She said she would confer with him again on this issue.



Mr. Randolph said at a recent community advisory council meeting, there was a feeling that the CAC would be meeting with applicants for special use permits, zoning changes, and Comprehensive Plan amendments on days other than the days the CAC would normally meet. He said that Pam Riley, Scottsville District representative of the Planning Commission, expressed her concern that by changing the CAC meeting to a different day and time, they would lose the participation and voice of CAC members. He expressed his support for having applicants come before the CAC during regular meeting times.

Ms. Elaine Echols addressed the Board and stated that the community meetings were originally set up for questions and answers to the applicant from residents of the neighborhood, not to obtain input from the CAC. She said the intent is to separate Q&A discussions from CAC discussions to diminish liability they may have with the new proffer legislation, not to cut out the CAC or prevent discussion. She stressed the importance of giving neighbors the opportunity to ask questions of an applicant to gain understanding of a proposal. She said this can be changed, but the intention was to follow the direction of the ordinance that set up a community meeting. She said they would like some time to discuss this matter with the CACs and then report to the Board, adding that the intent is not to muzzle the CACs, but they want and are required to obtain public input on every project to comply with new state legislation.

Mr. Kamptner said that as CACs are public bodies appointed by the Board, the concern is they would get involved too early in the process, before public input.

Ms. Mallek said that a concern brought to her is that members of a CAC might attend the community meeting organized by an applicant who may not know how to properly conduct a meeting. She said that each CAC is different and should be given leeway to operate their meetings as they wish, rather than having a standard imposed on them.

Mr. Foley offered to engage with the CACs and report back to the Board in January.

Ms. Echols said she wants to make it clear that there is not a requirement that community meetings be held at the CAC. She said the role of her office is to make sure information gets out and Q&A takes place with members of the community. She said not all projects go to the CACs, and they coordinate with the Board of Supervisors so its members can attend meetings.

---

Ms. Mallek said she heard on the radio that Delegate Toscano would sponsor a bill to allow speed cameras in Charlottesville. She said she hopes the County can get on this legislation, as it is difficult for their police officers to cover such a large area, and they might have a chance to change some driver behavior. She stated that she would forward a newspaper article about Portland, which saw a 90% reduction in speeding fatalities after cameras were put in.

Ms. Mallek said that a shooting range has popped up in Earlysville, according to a constituent, and she would like to know what the County's requirements are for shooting ranges. She noted that she did not know if it is private. Mr. Kamptner invited her to find out more and send him the information, and they can discuss this at a future meeting.

---

Mr. Randolph urged members to consider a founder's day celebration for people who have made a significant contribution to the County. He said that Charlottesville does this and receives publicity for it, and some of their award recipients are residents of the County.

---

Agenda Item No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said that prior to November 1, 2016, the Board must designate a voting delegate for the VACO Annual Meeting.

Mr. Sheffield **moved** to delegate Ms. Mallek to be the delegate and Ms. Palmer to be the alternate to represent the Board at the VACO meeting. Ms. McKeel **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

---

Agenda Item No. 24. Adjourn to October 24, 2016, 6:00 p.m., Lane Auditorium.

At 10:14 p.m., Ms. Mallek **moved** to adjourn the Board meeting until October 24, 2016 at 6:00 p.m. in Lane Auditorium. Ms. McKeel **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.  
NAYS: None.

---

Chairman

|                   |
|-------------------|
| Approved by Board |
| Date 08/09/2017   |
| Initials CKB      |