

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of May 10, 2017</b></p>		
		May 11, 2017
<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>	<u><b>VIDEO</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 2:35 p.m., by the Chair, Ms. McKeel. All BOS members were present with the exception of Brad Sheffield. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to video</a>
<p>2.a. Personnel Policy Amendment.</p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent) <b>ADOPTED</b> Resolution to amend Personnel Policy § P-63.</li> </ul>	Clerk: Forward copy of signed resolution to Human Recourses and County Attorney's office. (Attachment 1)	
<p>2.b. CIP: Process/Challenges/Strategies Discussion.</p> <ul style="list-style-type: none"> <li><b>HELD.</b></li> </ul>		
<p>2.c. United Way – Pre-K Update.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		
<p><b>Recess.</b> The Board recessed at 4:22 p.m., and reconvened at 4:33 p.m.</p>		
<p>3. Neighborhood Improvement Funding Initiative.</p> <ul style="list-style-type: none"> <li>By a vote of 4:1:1 (Randolph Nay, Sheffield Absent) to return to the original concept identified by staff to bring a funding proposal that would have equal shares and proportionate shares for the CACs.</li> </ul>	<u>Lee Catlin/Emily Kilroy:</u> Proceed as directed.	
<p><b>Recess.</b> The Board recessed at 4:30 p.m., and reconvened at 4:43 p.m.</p>		
<p>4. Upcoming Two-Year Fiscal Plan Milestones and FY17-19 Strategic Plan Progress Report.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		
<p>5. Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 5:40 p.m. the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia Under Subsection (1), to conduct the annual performance appraisals of the Clerk of the Board of Supervisors and the County Attorney.</li> </ul>		
<p>6. Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 6:09 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
<p>7. Call Back to Order.</p> <ul style="list-style-type: none"> <li>At 6:11 p.m., the Chair called the regular night meeting to order.</li> </ul>		
<p>10. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent) <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>11. Brief Announcements by Board Members.</p> <p><u>Norman Dill:</u> Announced the new Kohl's Farmers Market in Hollymead Town Center.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced there are Farmers Markets open in Earlysville and all over the county.</li> <li>Attended the Agricultural Forest meeting for a steam buffer roundtable discussion.</li> </ul>		

<ul style="list-style-type: none"> <li>• Remarked on Thomas Jefferson Soil and Water Conservation District programs and efforts to keep animals out of streams.</li> <li>• Announced that there is an automated speed sign on Garth Road and inquired about other locations in the County.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>• Announced that the Stonefield Farmers Market is open.</li> <li>• Remarked that she attended the “Our Community Salutes” program on May 6, 2017.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>• Announced the Farmers Market in North Garden will open later in the month.</li> <li>• Announced the Lewis and Clark Center birthday party from on Saturday May 13<sup>th</sup> from 4:00 p.m. - 6:00 p.m. to celebrate their one year anniversary.</li> </ul> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> <li>• Announced the Farmers Market in Scottsville will open on Saturday, May 23<sup>rd</sup>.</li> <li>• Attended a meeting of the Department of Social Services Community Board.</li> </ul>	<p><u>Interim County Executive:</u> Provide a report to the Board.</p>	
<p>12. Proclamation recognizing May 15 through 21, 2017 as Police Week.</p> <ul style="list-style-type: none"> <li>• By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Proclamation and presented to Chief Ron Lantz.</li> </ul>	<p>(Attachment 2)</p>	
<p>13. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Paul Grady</u>, White Hall District, spoke on behalf Downtown Crozet initiative regarding the Barnes Lumber Development.</li> <li>• <u>David Redding</u>, Eco Village Charlottesville, announced that May is bike month and thanked the Board for addressing the transient lodging issue.</li> <li>• <u>Boy Scout Troop 1028</u>, attended the meeting for Scouts to earn their Citizenship in the Community merit badge.</li> </ul>		
<p>14.1 Resolution to Extend Tax Deadline to June 15.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p>Clerk: Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 3)</p>	
<p>14.2 ZMA-2013-00007. North Pointe – Special Exception.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>14.3 Resolution to accept road(s) in Hyland Ridge Phases 1, 2, 3A, 3B and 4 Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>	
<p>15. FY17 Capital Appropriation Resolution.</p> <ul style="list-style-type: none"> <li>• By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Resolution to approve</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 6)</p>	

	appropriations #2017098 for local government and school division projects and programs.	
16.	<p><b><u>PH: Ordinance to Amend Article I, In General, Article II, Waters Owned or Controlled by the County, and Article III, Water Supply Reservoirs Utilized by the Rivanna Water and Sewer Authority, of County Code Chapter 11, Parks and Recreation.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Resolution to amend Ordinance.</li> </ul>	Clerk: Forward copy of signed resolution to Parks and Recreation and County Attorney's office. (Attachment 7)
17.	<p><b><u>PH: SP-2016-00026. LL Bean Outdoor Display.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Resolution to approve SP201600026, subject to the condition.</li> </ul>	Clerk: Forward copy of signed resolution to Community Development. (Attachment 8)
18.	<p><b><u>ZMA-2014-00006. Avon Park II.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Resolution to accept the corrected proffer statement.</li> </ul>	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)
19.	<p><b><u>ZMA-2016-00019. Riverside Village Amendments.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Ordinance to approve ZMA 2016-00019.</li> </ul>	Clerk: Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 10)
20.	<p><b><u>ZMA-2016-00016 Woolen Mills, ZMA-2016-00021 Woolen Mills, SP-2016-00027 Woolen Mills, and SP-2016-00028 Woolen Mills (Signs 49 &amp; 51).</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> Ordinances approving ZMA-2016-00016.</li> <li><b>ADOPTED</b> Ordinances approving ZMA-2016-00021.</li> <li>By a vote of 5:0:1 (Sheffield Absent), <b>ADOPTED</b> resolution approving SP-2016-00027 Woolen Mills, and SP-2016-00028.</li> </ul>	Clerk: Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 11 and Attachment 12)
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Chesapeake Bay Resolution.</p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Sheffield absent), <b>ADOPTED</b> Chesapeake Bay Restoration Resolution.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Commented regarding a homeless individual holding up an obscene sign. According to the County Attorney, the individual is within his first amendment rights.</li> <li>Commented on the United Way presentation and the use of local money. Barbara Hutchinson will look for local grants. Requested a follow up report from the Interim County Executive.</li> <li>Remarked regarding requesting an future agenda item to change the operating hours at the McIntyre Recycling Center.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li><b>CONSENSUS</b> to purchase a picture for Philip Schuett as a thank you gift.</li> <li>Remarked on a Hydraulic Road project request.</li> </ul>	<p>Clerk: Forward copy of signed resolution to Congressional Delegation. (Attachment 13)</p> <p><u>Interim County Executive:</u> Provide a follow up report to the Board.</p>

22.	From the County Executive: Report on Matters Not Listed on the Agenda. • There were none.		
24.	Adjourn to May 15, 2017, 12:30 p.m., Lane Auditorium. The meeting was adjourned at 8:47 p.m.		

ckb/tom

Attachment 1 – Resolution to amend Personnel Policy § P-63.

Attachment 2 – Police Week Proclamation.

Attachment 3 – Resolution to Extend Tax Deadline to June 15.

Attachment 4 - Resolution for North Pointe Special Exception.

Attachment 5 – Resolution to accept road(s) in Hyland Ridge Phases 1, 2, 3A, 3B and 4 Subdivision into the State Secondary System of Highways.

Attachment 6 – FY17 Capital Appropriation Resolution.

Attachment 7 – Ordinance No. 17-11(1)

Attachment 8 – Resolution to approve SP201600026, LL Bean Outdoor Display.

Attachment 9 – Resolution to accept ZMA-2014-00006, Avon Park II Corrected Proffer Statement.

Attachment 10 – Ordinance No. 17-A(6).

Attachment 11 – Ordinance No. 17-A(7).

Attachment 12 – Resolution approving SP 2016-27 and SP 2016-28.

Attachment 13 – Chesapeake Bay Restoration Resolution.

## RESOLUTION

**WHEREAS**, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

**WHEREAS**, the Board desires to amend Section P-63 regarding retirement.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-63, Retirement, of the County of Albemarle Personnel Policies, as follows:

### Section P-63 Retirement

#### I. REGULAR RETIREMENT

##### A. General

Retirement shall be at the discretion of the employee. Full-time regular employees of Albemarle County who qualify are eligible for the benefits of the Virginia Retirement System ("VRS"). Additional information describing VRS benefits is available on-line at [varetire.org](http://varetire.org).

##### B. Continuing Participation in the County's Medical and Dental Insurance Plans

1. All employees retiring under VRS and/or the County's VERIP policy are eligible for continuous participation in the group medical and dental insurance plans until they are eligible for Medicare coverage if they participated in the County's group medical and dental insurance plans on the day prior to separation from the County. The age and service criteria for VRS are as follows: 50 years of age with 10 or more years of continuous regular employment by a VRS-participating employer; or 55 years of age with 5 or more years of continuous regular employment by a VRS-participating employer.
2. Individuals eligible to participate in the County's group medical and dental insurance plan shall pay the full cost of health insurance coverage, including any applicable administrative expenses.
3. Any retirees or Board members who participated in the County's group medical and/or dental insurance plans as of December 1, 2009 shall continue to be eligible to participate, at their own cost, until they are eligible for Medicare coverage.

#### II. LONGEVITY INCENTIVE PROGRAM

The County values the service of all of its employees, both full-time and part-time. Since part-time employees are not covered by VRS, the County has elected to establish a Longevity Incentive Program (the "Program") and thereby provide eligible part-time employees with certain benefits as more fully explained in this section.

##### A. Scope of Program

All regular, part-time employees of the County will be covered by the Program provided that they work the minimum number of hours necessary to establish eligibility for County benefits. Salaried Board Members are not eligible for participation in this program.

##### B. Benefits

The following benefits will be provided to eligible part-time employees under the Program:

1. Life Insurance: A term life insurance policy will be provided equal to twice the employee's annual salary with double indemnity for accidental death and dismemberment payments for the accidental loss of one or more limbs or of eyesight.
2. Annuity Program: Based on length of service in the County, part-time employees will be provided with an annuity program. The Board will contribute an annual amount according to the following formula:
  - a. 5 - 9 years of County service - five percent of annual salary.
  - b. 10 - 14 years of County service - seven percent of annual salary
  - c. 15 - 19 years of County service - nine percent of annual salary.
  - d. 20+ years of County service - eleven percent of annual salary.

### III. Retirement Pay/Payment upon Death

In recognition of employee service to Albemarle County, regular full-time and part-time employees who meet the age and service criteria for retirement under VRS and have been employed a minimum of five (5) years with Albemarle County shall be paid upon their retirement or death in service \$200 per year for each year of service to the County as a regular employee up to a maximum payment for 25 years of service, less any years previously paid for under this policy. Years of service do not have to be continuous.

### IV. Voluntary Early Retirement Incentive Plan (VERIP)

#### A. Eligibility

1. Participants in the Albemarle County VERIP must be regular full-time or regular part-time employees eligible for benefits as defined in P-02, Definition of Employee Status and meet the following additional requirements:
  - a. Full-time employees must be eligible for early or full retirement under the provisions of VRS. Part-time employees must meet the same age and service criteria as if they were full-time employees covered under VRS.
  - b. Have been employed by the County government and/or school division for 10 of the last 13 years prior to retirement.
2. Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIP.
3. VERIP benefits will cease if the retiree returns to work in a regular full-time or regular part-time position with the County government and/or school division.
4. VERIP benefits will continue if the retiree returns to work in a temporary part-time or temporary full-time position with the County government and/or school division.

#### B. Benefits

1. VERIP benefits shall be paid monthly for a period of five years after retirement or until age 65, whichever comes first. The VERIP benefits consist of a stipend calculated in accordance with Section B.2 ("stipend") and a monetary contribution toward health insurance ("medical contribution").
2. Stipends under VERIP will be calculated as follows:
  - a. Compute the annual VRS benefit. This computation shall include any reductions for early VRS retirement if appropriate.

- b. Recompute the annual VRS benefit with the addition of five more years of service or the number of additional years needed to reach age 65, whichever is lesser.
  - c. The difference between these two calculations is the annual VERIP stipend ("Stipend Value") to be paid on a monthly basis.
  - d. Stipends for part-time employees who are eligible to participate in VERIP shall be determined as if the part-time employees are eligible for an annual VRS benefit and the amount shall be calculated in the same manner as benefits for VRS-eligible employees under subsections (a) – (c) above.
- 3. The County Executive will recommend to the Board an annual adjustment to the VERIP stipend after having been apprised of the VRS adjustment for retirees.
- 4. The Board will pay a monetary contribution toward an employee's health insurance as long as the employee remains eligible to receive VERIP benefits. Retirees receiving VERIP benefits who elect to remain on the County's health insurance will pay premiums for the coverage equivalent to that paid by active employees electing the same level of coverage. Retirees receiving VERIP benefits who elect not to remain on the County's health insurance will receive the monetary contribution as a payment. The maximum value of this payment will be seven hundred and twelve dollars (\$712.00) per month.
- 5. Effective December 2, 2009, the VERIP stipend shall continue to be calculated in the manner provided in Section B.2, but the stipend amount shall be modified in accordance with the following schedule:
  - a. Retirements effective on or after July 1, 2012 but before July 1, 2013: 80% of the Stipend Value.
  - b. Retirements effective on or after July 1, 2013 but before July 1, 2014: 60% of the Stipend Value.
  - c. Retirements effective on or after July 1, 2014 but before July 1, 2015: 40% of the Stipend Value.
  - d. Retirements effective on or after July 1, 2015 but before July 1, 2016: 20% of the Stipend Value.
  - e. Retirements effective on or after July 1, 2016: No VERIP Stipend.

C. Application

Applications for VERIP must be made to the Human Resources Department prior to December 1<sup>st</sup> of the year preceding the fiscal year the employee's participation in VERIP takes effect. Applications after December 1 may be approved based on the needs of the County.

D. Approval

All VERIP applications are subject to approval by the County Executive or designee.

E. Duration

The Board of Supervisors reserves the right to modify this policy in its discretion, and all benefits described in this policy shall be subject to future modifications and annual appropriations by the Board of Supervisors.

F. Additional Benefits

1. Current employees who apply for VERIP by February 27, 2009 and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
  - a. Two additional years of Board contributions toward health insurance beyond the duration established by Section IV.B, paid on a monthly basis. Employees who retire at 65 years of age or older shall receive two years of contributions toward health insurance.
  - b. The cash equivalent of two additional years of Board contributions toward health insurance, calculated at the FY 2009-10 annual rate and paid in one or more installments.
2. To be eligible for the additional benefits in this section, employees must:
  - a. Submit VERIP applications by February 27, 2009;
  - b. Submit a letter by April 1, 2009 establishing a retirement date no later than June 30, 2009; **and**
  - c. Retire after the effective adoption date of this subsection (F) but no later than June 30, 2009.

G. Targeted Retirement Incentives

1. Current employees holding positions in paygrades 16 and higher whose retirement is determined by the County to not impair the essential functions of the department, who apply for VERIP by March 15, 2010, and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
  - a. A lump sum payment equivalent to 20% of the employee's current salary. "Salary," for non-exempt employees receiving benefits pursuant to this section, shall mean the employee's current annualized pay based on his regular hourly rate and regularly scheduled work hours.
  - b. Monthly payments, the total of which is equivalent to one week of pay for every full year of service with the County for up to 20% of the employee's salary. The number of monthly payments will be determined by the County, however, it shall not exceed sixty (60) monthly payments.
  - c. Continued full Board contributions toward the employee's health insurance for an additional 3 years beyond the contributions specified in Section B of this policy, or until the age of 65, whichever comes first.
2. To be eligible for the additional benefits in this section, employees must:
  - a. Submit VERIP applications by March 15, 2010;
  - b. Submit a letter by April 1, 2010 establishing a retirement date no later than June 30, 2010; **and**
  - c. Retire after the effective date of this subsection G but no later than June 30, 2010.
3. The County Executive or his designee may extend for up to 6 months the June 30, 2010 retirement date required by G.2.b and G.2.c for an employee who is otherwise eligible for the benefits in this subsection G upon a finding that such employee's retirement serves the interest of the County.



Amended: August 4, 1993; April 19, 1995; June 2, 2004; January 7, 2009; December 2, 2009; March 3, 2010; May 10, 2017.

**POLICE WEEK  
May 15-21, 2017**

- WHEREAS,** in 1962, President John F. Kennedy signed the first proclamation recognizing May 15<sup>th</sup> as Peace Officers Memorial Day and the week in which it falls as National Police Week, “to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;” and
- WHEREAS,** the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia's families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and
- WHEREAS,** police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and
- WHEREAS,** Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and
- WHEREAS,** Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

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

**May 15-21, 2017  
as  
POLICE WEEK**

and **May 15, 2017, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and call these observances to the attention of all our citizens.

**RESOLUTION TO EXTEND THE DEADLINE  
TO PAY THE FIRST INSTALLMENT OF  
LOCAL PROPERTY TAXES IN CALENDAR YEAR 2017**

**WHEREAS**, because of a defect in the posted notice for the Board of Supervisors' public hearing on the proposed tax rate scheduled for April 11, 2017 required that the public hearing be rescheduled; and

**WHEREAS**, the Board will be holding the rescheduled public hearing on the proposed tax rate on May 15, 2017; and

**WHEREAS**, the deadline for paying the first installment of taxes on real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations (the "local property taxes") is June 5 of each year, as established by Albemarle County Code § 15-100; and

**WHEREAS**, the County's Department of Finance customarily mails tax bills for the first installment of local property taxes on or about May 1 of each year, but because of the pending May 15, 2017 public hearing on the tax rate, and the anticipated adoption of the tax rate that same date, the Department of Finance will not mail tax bills for the first installment of local property taxes until on or about May 16, 2017; and

**WHEREAS**, Virginia Code § 58.1-3916 enables the Board to provide by resolution for reasonable extensions of time, not to exceed 90 days, for taxpayers to pay their local property taxes, whenever good cause exists.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia, finds that, based on the foregoing recitals, good cause exists to extend the deadline for any taxpayer paying the first installment of local property taxes in calendar year 2017, and the deadline is hereby extended from June 5, 2017 to June 15, 2017.

\* \* \*

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SUB 2016-177 NORTH POINTE  
TO VARY APPLICATION PLAN**

**WHEREAS**, the Applicant, Townes Site Engineering, filed a request on behalf of the owners of Tax Map Parcel Number 03200000002000 (the "Property") for a special exception in conjunction with SUB 2016-177 North Pointe, to vary the Application Plan approved in August 2006 (ZMA 2009-09 North Pointe) and amended in December 2013 (ZMA 2013-07 North Pointe Amendment) to vary the road alignment for the middle entrance to the North Pointe development as shown on the Exhibit entitled "North Pointe Middle and Northeast Residential Subdivision, Rivanna District, Albemarle County, Virginia" prepared by Townes Site Engineering, dated April 27, 2016 and last revised on December 16, 2016.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA 2000-09 and ZMA 2013-07 as described hereinabove, subject to the condition attached hereto.

\* \* \*

**Special Exception to Vary North Pointe Application Plan  
Special Exception Condition**

1. The road alignment for the middle entrance to the North Pointe development shall be in general accord as depicted on the Exhibit entitled "North Pointe Middle and Northeast Residential Subdivision, Rivanna District, Albemarle County, Virginia" prepared by Townes Site Engineering, dated April 27, 2016 and last revised on December 16, 2016.

RESOLUTION

WHEREAS, the street(s) in **Hyland Ridge Subdivision Phases 1, 2, 3A, 3B, and 4**, as described on the attached Additions Form AM-4.3 dated **May 10, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Hyland Ridge Subdivision Phases 1, 2, 3A, 3B, and 4**, as described on the attached Additions Form AM-4.3 dated **May 10, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

**RESOLUTION TO APPROVE  
ADDITIONAL FY 17 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2017098 is approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

**ORDINANCE NO. 17-11(1)**

AN ORDINANCE TO AMEND CHAPTER 11, PARKS AND RECREATION, ARTICLE I, IN GENERAL, DIVISION 3, CONDUCT WITHIN AND USE OF PARKS, ARTICLE II, WATERS OWNED OR CONTROLLED BY COUNTY, AND ARTICLE III, WATER SUPPLIES UTILIZED BY THE RIVANNA WATER AND SEWER AUTHORITY, 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 11, Parks and Recreation, Article I, In General, Division 3, Conduct Within and Use of Parks, Article II, Waters Owned or Controlled by County, and Article III, Water Supplies Utilized by the Rivanna Water and Sewer Authority, are hereby amended and reordained as follows:

**By Amending:**

Sec. 11-202 Boating

**By Amending and Renaming:**

	<u>Old Name</u>	<u>New Name</u>
Sec. 11-112	Swimming, wading or bathing	Water-related activities

**By Adding:**

Sec. 11-204 Pets

**By Repealing:**

Sec. 11-302 Chris Greene Lake.

**Chapter 11. Parks and Recreation****Article I. In General****Division 3. Conduct Within and Use of Parks****Sec. 11-112 Water-related activities.**

All water-related activities in any park that is not a public water supply reservoir identified in Article III are subject to Article II of this Chapter. All water-related activities in any park that is a public water supply reservoir identified in Article III of this Chapter are subject to the regulations in that Article.

(9-12-79; Code 1988, § 14-6.6; Ord. 98-A(1), 8-5-98)

**Article II. Waters Owned or Controlled by the County****Sec. 11-202 Boating.**

Any boat or other watercraft that is human powered or powered by an electric motor is authorized on county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source is prohibited; provided that any boat or other watercraft equipped with a motor using a fossil fuel or fossil fuel derivative as a fuel source whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the county waters and if those boats or other watercraft are equipped with or use removable gas tanks, the gas tanks shall be removed prior to entering county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source, operated under the direction of the county executive for public safety or other permitted purposes, is authorized.

(Code 1967, § 14-10; 4-21-76; Code 1988, § 14-9; Ord. 98-A(1), 8-5-98)

**State law reference** – Va. Code § 15.2-1800.

**Sec. 11-204 Pets.**

Pets are prohibited in county waters except in those areas designated by the county as a dog park.

**State law reference** – Va. Code § 15.2-1800.



**RESOLUTION TO APPROVE  
SP 2016-26 LL BEAN OUTDOOR DISPLAY**

**WHEREAS**, LL Bean's application for a special use permit to establish an outdoor storage, display, and/or sales area on Tax Map Parcel Number 061W0-03-00-019A0 is identified as SP201600026 LL Bean Outdoor Display ("SP 2016-26"); and

**WHEREAS**, on March 7, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-26 with a staff-recommended condition; and

**WHEREAS**, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-26.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2016-26 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 §§ 18-30.6.3 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-26, subject to the condition attached hereto.

\* \* \* \* \*

**SP-2016-26 LL Bean Outdoor Storage Display  
Special Use Permit Condition**

1. The display shall be located on the Bond Street elevation of the building, west of the store entrance. The revised location is subject to ARB approval of a Certificate of Appropriateness.

**RESOLUTION  
TO ACCEPT CORRECTED PROFFER STATEMENT**

**ZMA 2014-00006 AVON PARK II**

**WHEREAS**, Ordinance No. 17-A(5), adopted by the Albemarle County Board of Supervisors on April 12, 2017, approved ZMA 2014-00006, Avon Park II ("ZMA 2014-06"); and

**WHEREAS**, the proffer statement accepted in conjunction with ZMA 2014-06 contained an incorrect signature; and

**WHEREAS**, the Owner has submitted a proffer statement dated April 24, 2017 with the correct signature (the "Corrected Proffer Statement"), and the content of the Corrected Proffer Statement is otherwise the same as that accepted by the Board in conjunction with ZMA 2014-16.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Corrected Proffer Statement is accepted and, to the extent that it contains the correct signature of the Owner, it replaces the proffer statement dated April 12, 2017.

\* \* \* \*

**ORDINANCE NO. 17-A(6)  
ZMA 2016-00019 RIVERSIDE VILLAGE AMENDMENT**

**AN ORDINANCE TO AMEND THE APPLICATION PLAN,  
CODE OF DEVELOPMENT, AND PROFFERS APPROVED WITH  
ZMA 2015-00003 FOR TAX MAP PARCEL NUMBER 078G0-00-01-000A0**

**WHEREAS**, the application to amend the application plan, code of development, and proffers that were approved with ZMA 2015-00003 for Tax Map Parcel Number 078G0-00-01-000A0 (the "Property") is identified as ZMA 2016-00019 Riverside Village Amendment ("ZMA 2016-19"); and

**WHEREAS**, ZMA 2016-19 proposes to amend the application plan and code of development for Block 1 that were approved with ZMA 2015-00003 to: 1) increase the maximum number of dwellings from 16 units to 36 new multi-family units; 2) reduce the minimum commercial square footage from 16,000 to 8,000 square feet; 3) replace a single 5,000 square foot plaza with multiple smaller plazas totaling 5,000 square feet; 4) reduce the minimum build-to-line on Trailside Drive from 50 feet to 25 feet; and 5) make accessory uses and buildings allowable by-right rather than by special use permit; and to amend the proffers that were approved with ZMA 2015-00003 to provide 15% affordable housing units in Block 1 and to provide a cash proffer of \$7,419.91 for each of the 36 additional new multi-family dwelling units; and

**WHEREAS**, staff recommended approval of ZMA 2016-19 provided that technical revisions were made to the application plan and the proffers; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2016-19 on March 21, 2017, and recommended approval, conditioned on the applicant making the staff-recommended revisions; and

**WHEREAS**, subsequent to the Planning Commission public hearing, the applicant made all of the recommended revisions to the application plan and the proffers; and

**WHEREAS**, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-19.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-19 and its attachments, including the application plan and code of development dated May 12, 2012 and last revised on April 10, 2017, and the proffers dated April 28, 2017, the information presented at the public hearing, the material and relevant factors in County Code § 18-33.6, Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-19, with the application plan and code of development dated May 12, 2012 and last revised on April 10, 2017, and the proffers dated April 28, 2017.

\* \* \*

**ORDINANCE NO. 17-A(7)  
ZMA 2016-00016 WOOLEN MILLS**

**AN ORDINANCE TO REZONE 10.4 ACRES  
FROM LI-LIGHT INDUSTRY TO C1-COMMERCIAL  
FOR TAX MAP PARCEL NUMBER 07800-00-00-021B0**

**WHEREAS**, the application to rezone 10.4 acres from LI-Light Industry to C1-Commercial for Tax Map Parcel Number 07800-00-00-021B0 is identified as ZMA 2016-00016 Woolen Mills ("ZMA 2016-16"); and

**WHEREAS**, staff recommended approval of ZMA 2016-16 with proffers; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2016-16 on May 2, 2017 and recommended approval with proffers; and

**WHEREAS**, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-16.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-16 and its attachments, including the proffers dated April 27, 2017 and the rezoning application plan entitled "Woolen Mills Redevelopment Application Plan, County of Albemarle, Virginia" dated August 15, 2016 and last revised on February 23, 2017, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the C1-Commercial district stated in County Code § 18-22.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-16 with the proffers dated April 27, 2017 and the concept plan dated August 15, 2016 and last revised on February 23, 2017.

**ORDINANCE NO. 17-A(8)  
ZMA 2016-00021 WOOLEN MILLS**

**AN ORDINANCE TO REZONE 1.54 ACRES  
OF THE STEEP SLOPES OVERLAY DISTRICT  
FROM PRESERVED SLOPES TO MANAGED SLOPES  
FOR TAX MAP PARCEL NUMBER 07800-00-00-021B0**

**WHEREAS**, the application to rezone 1.54 acres of the steep slopes overlay district from preserved slopes to managed slopes for Tax Map Parcel Number 07800-00-00-021B0 is identified as ZMA 2016-00021 Woolen Mills ("ZMA 2016-21"); and

**WHEREAS**, staff recommended approval of ZMA 2016-21; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2016-21 on May 2, 2017 and recommended approval; and

**WHEREAS**, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-16.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-21 and its attachments, including the rezoning application plan entitled "Woolen Mills Redevelopment Application Plan, County of Albemarle, Virginia" dated August 15, 2016 and last revised on February 23, 2017, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the characteristics of managed slopes and preserved slopes stated in County Code § 18-30.7.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-21 with the concept plan dated August 15, 2016 and last revised on February 23, 2017.

**RESOLUTION TO APPROVE  
SP 2016-27 WOOLEN MILLS  
AND SP 2016-28 WOOLEN MILLS**

**WHEREAS**, in conjunction with two rezoning applications (ZMA 2016-16 Woolen Mills and ZMA 2016-21 Woolen Mills), the Contract Purchaser/Owner of Tax Map Parcel Number 07800-00-00-021B0 submitted applications for Special Use Permits to permit residential development in the C-1 Commercial District and to permit activity in the floodplain, and the applications are identified, respectively, as Special Use Permit 2016-00027 Woolen Mills ("SP 2016-27") and Special Use Permit 2016-00028 Woolen Mills ("SP 2016-28"); and

**WHEREAS**, on May 2, 2017, after duly noticed public hearings, the Albemarle County Planning Commission recommended approval of SP 2016-27 and SP 2016-28 with conditions; and

**WHEREAS**, on May 10, 2017, the Albemarle County Board of Supervisors held duly noticed public hearings on SP 2016-27 and SP 2016-28.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2016-27 and SP 2016-28 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 §§ 18-22.2.2(6), 18-30.3.11, and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-27 and SP 2016-28, subject to the conditions attached hereto.

\* \* \* \* \*

**SP 2016-27 Woolen Mills  
Special Use Permit Condition**

1. A maximum of 94 residential units is permitted.

**SP 2016-28 Woolen Mills  
Special Use Permit Condition**

1. Prior to final site plan approval of permitting of a land disturbance in the floodplain, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) and a Floodplain Development Permit from Albemarle County. In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of flood wall(s) shall be in compliance with approved plans and FEMA approved CLOMR and applicant shall obtain a FEMA approved LOMR upon completion of fill activities.

Chesapeake Bay Restoration  
Resolution

**WHEREAS**, the Rivanna River is a major tributary of the James River and the Chesapeake Bay; and

**WHEREAS**, the Albemarle County Board of Supervisors wishes to express its strong support for the continued Federal funding for Environmental Protection Agency and other relevant agencies involved in the Chesapeake Bay restoration efforts; and

**WHEREAS**, in light of recent signals that the decades-old multi-state and Federal efforts are beginning to show marked improvements in bay water quality and health; and

**WHEREAS**, the Albemarle County Board of Supervisors urges the Federal Executive branch and Virginia's thirteen-member Congressional delegation to support Chesapeake Bay program funding levels at amounts previously requested; and

**WHEREAS**, Federal funding through the Chesapeake Bay Program has been used locally to enhance water quality, reduce stormwater runoff, improve agricultural practices and create local jobs.

**NOW, THEREFORE BE IT RESOLVED**, that the Albemarle County Board of Supervisors is Committed to protection and the improvement of water quality within the Rivanna River watershed and that these goals are directly related to improving the health of the Chesapeake Bay Watershed which cannot be accomplished without continued Federal funding support for Chesapeake Bay restoration efforts.