

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 10, 2018, at 2:30 p.m. The meeting was adjourned from October 4, 2018. The regular night meeting was held at 6:00 p.m., with meetings held in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:30 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. **Presentation:** 2019 Proposed Legislative Priorities.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session.

At the Board's September 12, 2018 meeting, staff proposed several legislative priorities for discussion (Attachment A), together with some possible priorities arising after the executive summary deadline for that meeting. Following are brief updates on work done on these possible priorities since September 12:

Impact Fees: Priority: Support enabling impact fees, which would replace cash proffers. **Status:** A draft resolution supporting the enabling authority has been prepared by David Blount.

Courts: Priority: Enable general district court to be located outside of Court Square, possibly on jointly owned land. **Status:** County representatives will be meeting with two local legislators on Friday October 5 to discuss the proposed legislation.

Stormwater management: Priority: Enable localities to accept stream restoration as a stormwater management best management practice. **Status:** Staff is exploring other possible stakeholders, including the Virginia Municipal Stormwater Association ("VAMSA"). Staff also has received conflicting information from a VAMSA representative as to whether stream restoration does or does not qualify as a best management practice.

Zoning: Priority: Enable notices for zoning violations to be mailed by certified, rather than registered, mail. **Status:** The sponsor of the current law would accept adding "certified mail" to the mailing options, but staff will explore sponsorship of the legislation through a member of the local delegation.

Environmental: Priority: Enable localities to prohibit businesses using disposable plastic bags and straws; require bottle deposits. **Status:** Staff anticipates that several legislators will submit legislation pertaining to these issues that the County can support.

Homestays: Priority: Initiate legislation to require homestay platforms to report all homestay businesses operating in each locality each year. **Status:** The Board supported this new suggestion from the County's Department of Finance at its September 12 meeting.

Identified, but not discussed, at September 12 meeting:

Animals: Priority: Initiate enabling authority to expand the subject matter in which localities' regulations may be more stringent. **Status:** Staff has additional work to do on this issue.

Public Safety Volunteers: Priority: Initiate tax deduction incentives for public safety volunteers similar to those available for volunteers with other entities. **Status:** Staff has additional work to do on this issue.

Antique motor vehicles: Priority: Initiate legislation to amend the definition of "antique motor vehicle" to increase the age of the vehicle from 25 years to 30 years. **Status:** Staff has additional work to do on this issue.

New:

JLARC Study on Workforce and Small Business Incentives: Priority: Support improving the State's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants. **Rationale:** Although the proposed change to targeting grants would not guarantee that wages would increase, but it could further improve targeting grants because some businesses paying low wages, on average, would no longer qualify for grants.

State funding for education: Priority: Support the statement on education funding from the TJPDC Legislation Program: “The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.” **Status:** This issue arose during the September 12 work session when Mr. Gallaway spoke of the high return on investment regarding State financial assistance for economically-disadvantaged students.

State funding for regional library systems: Priority: Support full funding of State Aid to JMRL and other regional libraries in the State system. **Rationale:** Virginia’s Stated Aid to local libraries is based on a formula established by the State. This funding is used by the Jefferson Madison Regional Library (“JMRL”). JMRL relies on these funds exclusively for library materials (books, CDs, DVDs, serials, and downloadable digital content), and does not request funding from the County or other members of the library system for these materials. Over the past 10 years, State Aid funding to JMRL is approximately \$4.7 million below that called for in the funding formula, and JMRL Because demand for materials in different formats increasing, the localities served by JMRL will be called upon to provide the funding that the State is not.

Solar energy production: Priority: Remove existing cap on solar energy production. **Status:** Staff has additional work to do on this issue.

The County’s legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County’s ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board review the updated 2019 Proposed Legislative Priorities and recommend any changes it determines to be appropriate. Staff will return to the Board on November 7.

Mr. Kamptner reported that this presentation is an update to follow the September 12 discussion on legislative priorities. He acknowledged Mr. David Blount for his contribution to this effort and noted that he was present at today’s meeting.

He presented slides with the highlights of each priority. The first priority he presented was: Support legislation to repeal Virginia Code 15.2-2328 and amend 15.2-2329.

Purpose: Enable impact fee programs to be available to all localities, and enable localities to develop impact fee programs to meet the capital facilities needs attributable to new development.

Update: Nothing to report, this legislation will be supported by Board resolution at the appropriate time.

Priority: Initiate legislation to amend Virginia Code 15.2-1638 and 16.1-69.35

Purpose: Enable the County to pursue certain options for the Courts project

Update: County representatives met with state legislators on October 2 and will provide a report on this meeting at a later time.

Priority: Initiate legislation to amend Virginia Code 15.2-2311(A)

Purpose: Allow for certified mail to be used to send notice of violation of the Zoning Ordinance or written orders of the Zoning Administrator

Update: Mr. Blount has been contacting members of the local delegation to carry the bill

Mr. Kamptner explained that until 2017, zoning administrators were allowed to send violation notifications by certified mail – but this was changed to registered mail, which is of a significantly greater expense to localities, with the same effect of obtaining a receipt. He noted that the patron of the legislation that changed this to registered mail did not object to changing this back.

Priority: Initiate legislation to amend the Virginia Code 18.2-287.4

Purpose: Add Albemarle County to the list of localities in which carrying specified loaded weapons in certain public areas is prohibited. The weapons that may be prohibited are:

- Semi-automatic center-fire rifles or pistols that expel single or multiple projectiles by action of an explosion of a combustible material and were equipped at the time of the offense with a magazine that would hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock; and

- Shotguns with a magazine that will hold more than seven rounds of the largest ammunition for which it is chambered

Note: This was a failed County initiative in the 2018 General Assembly

Update: In the absence of a material change in the membership of the General Assembly, consider deferring this initiative.

Ms. Palmer asked if there are other localities that are doing this in 2018. Mr. Kamptner offered to check. He said this is early in the process and he would become informed through discussions with other local government attorneys.

Ms. Palmer asked how much work would be involved to take this off the priority list, considering that this is not likely to get any momentum or pass. Mr. Kamptner replied that this type of statute only requires the addition of the name "Albemarle," though it was unsuccessful, but there is some merit in showing that the locality is sincerely interested in getting this enabling authority and not merely reacting to what happened in 2017.

Mr. David Blount, Legislative Liaison, Thomas Jefferson Planning District Commission, stated that it would be a good idea to convince one of the legislators that represent the County that it would be a good idea to include this. He emphasized that this year's session is short and delegates will be limited to 15 bills. He said that last year the Board joined a request made by Charlottesville and he is not sure that they will try to move this forward. He noted that an election is coming up, although they do not anticipate any change in the makeup of the committee.

Mr. Randolph noted that having served in the armed forces this would still allow someone to carry an AR-15 with a regular, 20-round magazine, in a public space – and in a fully automatic position or with a bump stock, it could exhaust the magazine in approximately 1.6 seconds and still carry a high degree of lethality. He described this as a de minimis effort to cut out the most egregious forms of extended magazines, known as banana clips, which can hold hundreds of rounds with the use of circular clips, as occurred in Las Vegas. He remarked that they are in no way infringing on someone's right to carry or Second Amendment rights, but this level of lethality is most associated with a war zone and not associated with civil buildings that are designed to accommodate matters of public discourse.

Ms. Palmer remarked that her decision as to whether to keep this on or off the legislative agenda rested on whether there is a strategic reason to take it off. She said that if Charlottesville keeps it as a priority, the County could tag along, but she would not want to sacrifice something else time-wise if there is no reason for it to go through.

Mr. Blount said there are a number of initiatives for which Mr. Kamptner has delineated items to initiate or support, and being in a posture of support provides flexibility to join one. Ms. Palmer commented that that sounds reasonable to her.

Ms. Mallek suggested that they keep it on as a sort of history so they can pull it out when it is time, though it may take years and years – but they should not abandon it just because they lose the first year. She asked if there was anyone who wanted to stop pursuing the item.

There were no Supervisors indicating that they wanted to stop.

Priority: Support continued and increased funding for the Virginia Telecommunications Initiative (VATI).

Note: Continued and increased funding was already being considered. Support would be in the form of a Board resolution.

Update: Nothing to report, this funding would be supported at the appropriate time by Board resolution.

Priorities: Support or initiate legislation that would grant local authority to:

- Regulate or prohibit the use, sale, or offer of disposable plastic bags
- Regulate or prohibit the use of plastic straws
- Require businesses selling bottled beverages to collect a deposit from the purchaser at the time of sale

Note: Prior bills related to some of these topics had failed in the past. Some retailers and restaurants had recently announced changes in their practices. A statewide or national solution would be better.

Update: Staff would continue monitoring. Mr. Blount anticipates that several legislators would submit legislation pertaining to these issues that the County can support.

Mr. Kamptner invited David Blount to address this priority.

Mr. Blount first addressed the issue of broadband. He said the Governor has indicated there will be a significant investment in broadband and there has been discussions with other counties in the region about the provision of electric utility infrastructure to set up broadband lines. He said he thinks they will see a number of things related to broadband.

Mr. Blount addressed the issue of disposal bags. He noted that some bills have been introduced over the last few years, primarily by Northern Virginia and Hampton Roads legislators, to prohibit them or to tax them as a disincentive. He said he does not recall any legislation that addresses plastic straws and it has been quite a while since there has been a bottle bill.

Ms. Mallek remarked that she could not get anyone to carry a bottle bill four years ago.

Addressing the issue of plastic straws, Mr. Randolph remarked that it will be important to exempt hospitals, care facilities, and verified home health care aid, where straws are essential for people to drink beverages.

Ms. Palmer stressed the importance of having state and federal leadership. She speculated that the bottle bill might be the one that is most acceptable, but Virginia may not be ready to address plastic bags yet.

Ms. Mallek remarked that there is entrenched opposition to a bottle bill.

Mr. Dill noted that he was a food retailer and the banning of plastic bags offers an easy alternative and does not require a change in the system. However, it poses a huge logistical issue and weight problems for stores to have to accept lots of dirty bottles and to determine the amount of the deposit to be refunded. He said it sounds really nice to reuse the bottles, however, it is costly and there is tremendous opposition to it.

Ms. Mallek recalled that when she was living in Massachusetts in the 1970s, a bottle bill passed the legislature in 1976 with opposition from grocers who shortly after realized that it brought in new customers. She said they placed a bin outside and a contractor took the materials away. She stated that if the legislature had the leadership to do this, everything else would take care of itself very quickly.

Ms. Palmer remarked that she would like to support one of these. She described plastic bags as “the bane of sewage treatment plants” and said it seems like there would be some support from some industries. She asked which one of the items would most likely go somewhere.

Mr. Blount replied that it would likely be bags and straws.

Ms. McKeel remarked that some national chain grocery stores have announced they are doing away with plastic bags and the County is not out there by itself.

Mr. Kamptner said staff will continue to monitor and support what they see out there.

Ms. McKeel said if the Supervisors are going to support this legislation, it would be good that the County is not using plastic straws and stirrers.

Mr. Kamptner continued his presentation.

Priority: Initiate legislation that would cause state stormwater regulations to be amended to authorize the Department of Environmental Quality (DEQ) to accept stream restoration as a stormwater management best management practice, and add stream restoration to Virginia’s Stormwater Management Best Management Practice clearinghouse for non-proprietary Best Management Practices.

Update: Staff is working on this issue and it may be resolved at the DEQ level without new legislation. Mr. Greg Harper has been invited to a DEQ initiated stakeholder meeting to discuss the issue.

Priority: If the Board proceeds with the homestay zoning text amendment, initiate legislation to regulate homestay platforms to report of homestay businesses operating in each locality each year.

Update: Staff is exploring some alternatives to legislation; some Virginia localities had entered into agreements with homestay platforms to address this issue (a practice that had been criticized by some local government attorneys) and we have been referred to some online resources that also assist with compliance

Mr. Kamptner noted that they have not reached out to members of the local delegation. He asked Mr. Blount if they had heard anything on the state level.

Mr. Blount replied that homestay advocates have said there will not be legislation this year. He said they are having discussions with the Department of Taxation to determine if they could make collections anonymously.

Ms. Mallek remarked that the drawback to having the County work with the platforms is that they would have to find the platforms, and there are new ones born every day, so it seems much better to set up something like this as a cost of doing business with emphasis that people have to follow the rules.

Mr. Randolph said it seems that the effort nationally has been to put the responsibility on local governments to put the responsibility on the Airbnbs – and for commercial businesses to provide this information on an annual basis.

Mr. Dill remarked that if they are collecting and reporting taxes, they are already in a cycle of reporting.

Priority: Support improving the state's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants

Rationale: Although the proposed change to targeting grants would not guarantee that wages would increase, but it could further improve targeting grants because some businesses paying low wages, on average, would no longer qualify for grants.

Note: This issue was pulled from the JLARC Study on Workforce and Small Business incentives

Mr. Gallaway commented that, coming from JLARC, this is an easy one for them to pick up and run with and which a lot of people would support. He suggested a follow up letter from the Board and the Economic Development Authority with suggestions about what they do in some other states that they do not do in Virginia and to use this as the jumping off point. He asked if some of these things could be collapsed into one another.

Priority: Support the statement on education funding from the draft TJPDC Legislation Program. "The Planning District localities urge the state to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities."

Rationale: There was a high return on investment regarding state financial assistance for economically disadvantaged students.

Mr. Kamptner commented that the Board will receive TJPDC's full legislative packet at the November 14 work session.

Ms. McKeel asked if the School Division has already had its legislative meeting and emphasized that the Board and schools should make sure they are on the same page with their legislative packets.

Mr. Gallaway remarked that the shift of the cost burden of education has moved to localities because the state has not done its share, and the state should be reminded that if it does its part to support education, it frees local dollars to be spread around instead of going just to education.

Ms. McKeel agreed.

Mr. Randolph remarked that instead of the omnipotent state, they have the disappearing state.

Priority: Support full funding of state aid to JMRL and other regional libraries in the state system

Rationale: Virginia's State Aid to local libraries was based on a formula established by the state. This funding was used by the Jefferson Madison Regional Library to fund library materials (books, CDs, DVDs, serials, and downloadable digital content) and did not request funding from the County or other members of the library system for these materials. Over the past 10 years, State Aid funding to JMRL was approximately \$4.7M below that called for in the funding formula. Because demand for materials in different formats was increasing, the localities served by JMRL would be called upon to provide the funding that the state was not.

Update: State funding had been slowly climbing after falling from its pre-recession levels. The annual funding gap for JMRL remains large (\$469,393) in FY 19, down from a peak of \$493,611 in FY 13.

Mr. Kamptner recounted that Mr. David Plunkett, the newly hired Director of Jefferson Madison Regional Library, recently spoken with department heads and emphasized how state funding was disappearing.

Ms. Mallek asked if TJPDC could carry this since all the jurisdictions in the library are in that district. Mr. Blount replied that this is something that has not been in the regional program, though they could certainly add it this time. He indicated that this is another program that is slowly climbing back after cuts due to the recession but has not gotten back to where it was 10 years ago.

Ms. McKeel added that this is the same with education, as they are now at 2007 spending levels.

Mr. Kamptner next listed four items he said were discussed the previous month:

Animals: Initiate enabling authority to expand the subject matter in which localities' regulations may be more stringent

Update: This arose at the August 8 work session on Chapter 4 (Animals); it has not been further examined or clarified. Recommend remove this year and return next year when the Board reviews Chapter 4 one year after adoption.

Antique Motor Vehicles: Initiate legislation to amend the definition to increase the age of the vehicle from 25 years to 30 years

Public Safety Volunteers: Initiate legislation that would amend state tax laws to provide a deduction that might provide incentives for public safety volunteers

Solar: Initiate legislation to remove cap on solar energy production

Ms. McKeel remarked that the Board needs to see how the new animal ordinance plays out and they may want to add or make changes. She agrees with Mr. Kamptner's recommendation to remove it from the current year's priorities and return the following year.

Ms. Mallek and Ms. Palmer agreed.

Mr. Gallaway suggested that they track court decisions to see if the court upholds the County Code in the event one of the more stringent items is challenged.

Regarding the antique motor vehicle designation, Ms. McKeel noted that representatives from DMV and the police have come to her about this for safety reasons, and she suggested that Mr. Kamptner bring them together.

Mr. Randolph urged them to provide notice to car club organizations, as he understands that the 25-year standard is common nationwide – and if they are to change this to 30 years, they must be sure to have justifiable reasons. He suggested that they have a broader discussion about the implications of a change before moving forward, adding that a change would affect registration costs and market value.

Ms. McKeel said there are a lot of cars that abuse the antique designation and are not safe. She agrees that there should be more discussion about this.

Ms. Mallek expressed her understanding that the designation was to allow someone to take a car to a parade and not to use it every day for commuting. She noted that farmers are upset because some would write "farm vehicle" on a piece of cardboard and drive their Prius to town.

Regarding tax incentives for public safety volunteers, Mr. Kamptner said they have not found anything in the State Code yet but staff is conducting research.

Ms. Mallek said the public safety volunteers was probably a federal program for teachers and a volunteer representative asked if something similar could be used for recruitment and retention.

Mr. Blount remarked that the only thing he has found in the Code regarding public safety volunteers is the current authority for vehicle licenses for law enforcement. Regarding the issue of solar, he said that VML and VACO have taken up the issue and he has one statement in support of stronger markets for distributed solar in the draft regional legislative program.

Mr. Kamptner presented the following next steps:

- further direction from the Board to staff
- staff will return to the Board in November
- meeting with legislators will be scheduled in late November or early December

Mr. Kamptner said the staff has reached out to the local delegation for particular possible bills the Board has identified. He indicated that there has been consideration about changing the format from a lunch to a breakfast and simplifying it in ways to make it more productive.

Agenda Item No. 3. Closed Meeting.

At 3:11 p.m., Mr. Gallaway offered **motion** to enter into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1):
 1. To discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
 2. To conduct the annual performance review of the County Executive; and
 3. To discuss and consider the appointment of a Director for the Department of Facilities and Environmental Services; and

- Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board and Route 29 LLC, and between the Board and the City regarding Ragged Mountain Natural Area, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities;

Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 4. Certify Closed Meeting.

At 6:00 p.m., the Board reconvened into open meeting. Mr. Gallaway **moved** that the Board of Supervisors certify by a recorded vote that to the best of each supervisor'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. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

NonAgenda. Mr. Dill moved that the Board appoint Ms. Nancy Moore to Places 29 Hydraulic Community Advisory Committee, with said term to expire August 5, 2020. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Mr. Dill **moved** that the Board adopt the following Resolution to appoint Mr. Lance Stewart as the Director of Facilities and Environmental Services for the County of Albemarle, VA:

RESOLUTION APPOINTING THE DIRECTOR OF FACILITIES AND ENVIRONMENTAL SERVICES

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Lance Stewart ("Stewart") is hereby appointed the Director of the Facilities and Environmental Services for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512, and this appointment shall be effective on and after November 1, 2018; and

BE IT FURTHER RESOLVED that Stewart shall serve as Director of Facilities and Environmental Services at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513, effectively immediately; and

BE IT FURTHER RESOLVED that Stewart shall serve as the head of the County's Department of Facilities and Environmental Services and shall have the powers and duties authorized by State and County laws; and

BE IT FURTHER RESOLVED that Stewart shall act under the supervision of the County Executive; and

The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Mr. Dill asked Mr. Trevor Henry, Assistant County Executive, to introduce Mr. Lance Stewart to the Board.

Mr. Henry introduced Mr. Stewart, who he said came with 20 years of experience from the City of Charlottesville and the University of Virginia. He said his background, from a technical perspective, hits on all elements of what the County does in facilities and environmental services. He said he is excited about Mr. Stewart's great leadership skills, technical thinking, and he should be a great addition to the department. He said Mr. Stewart will be able to keep the ball rolling and expand with the strategic plan and other work.

Mr. Stewart said he is excited to serve a community he lives in and loves and appreciates the Board's support. He said he is eager about some upcoming initiatives including NIFI-style work for pedestrian improvements and bicycle safety, multi-modality, and partnering with the County school system to make it as great as it can be. He said he was involved with Charlottesville schools for many years and it was something he had a passion for. He emphasized the importance of delivering the core services that do not make headlines. He added that he has a fantastic team, thanked the Board, and said he looks forward to working with them.

Agenda Item No. 5. Call back to Order. The meeting was called back to order at 6:03 p.m., by the Chair, Ms. Mallek.

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

Ms. McKeel asked those in the audience to think about the people in Florida who are experiencing Hurricane Michael, which has winds of 155 mph.

Agenda Item No. 8. Adoption of Final Agenda.

Ms. McKeel **moved** that the Board adopt the final agenda. The motion was **seconded** by Ms. Mallek.

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

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

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

Ms. Palmer announced that the Ivy Transfer Station and Materials Utilization Center is taking bulky waste appliances at this Saturday's amnesty day, to include old refrigerators, dehumidifiers, air conditioners, etc. She added that October 20, 2018 is bulky waste amnesty day for tires.

Mr. Gallaway said he has two re-announcements. He informed all that the National Drug Take Back event will be held Saturday, October 27, from 10:00 a.m.–2:00 p.m. He provided the www.takebackday.dea.gov web address to look up participating locations by zip code.

He invited all to attend and to provide comment at the Metropolitan Planning Organization open house to review the Long Range Transportation Plan and the Jefferson Area Bike and Pedestrian Plan on Wednesday, October 17, from 5:30–7:30 p.m. at their East Water Street Center, with two-hour parking validation available through the Water Street parking garage.

Mr. Randolph announced the passing of Rev. Peter T. Way, an Episcopal minister, former member of the Board of Supervisors, School Board, and House of Delegates. He said that Rev. Way has been out of the public eye for almost two decades, although he had the opportunity to meet him in church. The funeral will be held in Scottsville on Thursday, October 11, 2018.

Mr. Randolph announced that Scottsville United Methodist Church will hold a free community dinner on Friday, October 27, 2018, from 5:00–6:00 p.m., with baked ziti on the menu.

Ms. Mallek announced that the previous night at the County Office Building, Ms. Karen Wood, a leader of the Monacan Indians, researcher, and Ph.D. in linguistic anthropology, gave a presentation on 20,000 years of Monacan history in Virginia. She added that Jeffrey Hamptman, long-time archaeology professor at the University of Virginia, released his book about the Monacan millennium and the presence of this tribe in Albemarle County going back thousands of years.

Ms. Mallek announced that the ACE Committee met the previous afternoon to discuss implementation of the Biodiversity Action Plan elements into County easements and would be working on this in the upcoming months so that it would be ready to go with the next round of applications the following fall. She remarked that Mr. David Hannah gave a good presentation and said there would be a great chance for this to move forward so they could have a broader way to use the ACE Program.

Ms. Mallek noted that Supervisors all received a letter from Mr. Bruce Eades of American Legion Post 74 about local support for a high school ROTC program. She encouraged members to consider ways in which they could help.

Ms. Mallek announced that final fundraising is underway for the installation of a corrected historical marker at the corner of Ivy Road and Emmet Street that corrects the spelling of Mr. Frank Peregroy's name. She noted that Mr. Peregroy was awarded the Medal of Honor and was buried in France, and there has been many efforts over the years to make corrections.

Agenda Item No. 10a. Proclamations and Recognitions: Proclamation Recognizing October as Domestic Violence Awareness Month.

Ms. McKeel read and **moved** adoption of the following resolution recognizing October 2018 as Domestic Violence Awareness Month

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 39th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

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

October 2018 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.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

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

Mr. Matthew Christensen, resident of Rio District, addressed the Board. He said the County has largely avoided any accountability in confronting white supremacy. It is unfortunate that the Board of Supervisors has remained silent while others confront the hatred and bigotry conveyed by the confederate statues, especially considering that Johnny Reb, located on County land, is politically and philosophically speaking the most offensive of the three statues downtown, as it is in front of the courthouse. He asked what message this sends to people of color about their rights and equality under the law. He said that in 2015, Judge Martin Clark, Jr., of Martinsville removed a painting of Jeb Stuart from his courtroom, saying that the courtroom should be a place every litigant and spectator finds fair and utterly neutral. He said there is nothing neutral about a statue commemorating people who fought to enslave humans. Supervisors need to be the leaders and take ownership of their place of power in the County. He noted that his group has started a petition calling for the removal of the Johnny Reb statue and urged Supervisors to sign on.

Mr. Christensen announced that there would be a public education event on October 20, 2018, at 8:30 a.m., with a tour of the statues downtown, to provide context and history – followed by a panel discussion at the library. He invited Supervisors to attend and emphasized that they should not be misled by the lack of his colleagues at tonight's meeting, as some of them are still not allowed in the building. He said the School Board and Mr. Robert Tracci turned police on parents and concerned citizens, throwing

one man into chairs and then charging him with felony assault. This is another area where the Board's leadership would be appreciated as people should not have to beg them to take their jobs seriously and to act as leaders of the community. Supervisors should be leading the charge fighting injustice and not him.

Agenda Item No. 12. Consent Agenda.

(Discussion: Ms. Mallek noted that there are several changes to the Consent Agenda; the addition of Item 12.3 and deletion of Item 12.4.

Ms. McKeel noted the addition of Item 12.6 --fiscal year appropriations.

Referring to Item 12.3, Mr. Gallaway said he would comment about the addition of the use of sufficient time versus specific days and was in several different points. He remarked that Mr. Bill Letteri gave an excellent explanation that he could distribute a copy to Board members. Mr. Gallaway said that once you know you have had sufficient time to review, you are not obligated to hold after the review has occurred. He said he does not want sufficient time to turn into 20 days when the previous thing was 15 days as a way to prolong something from happening. He said he was glad to see that the rationale behind it was to expedite and move things forward more efficiently and cautioned that he does not want the absence of a time limit to turn into something where the reverse happens.)

Ms. McKeel then **moved** to approve the Consent Agenda as amended. Ms. Palmer **seconded** the motion.

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

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

Item No. 12.1. Approval of Minutes: May 2-3 and July 5, 2018.

Ms. Mallek had read the minutes of May 2-3, 2018, and found them to be in order.

Mr. Randolph had read the minutes of July 5, 2018, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 12.2. Resolution Designating Purchasing Agent.

By the above-recorded vote, the Board adopted the following Resolution:

**RESOLUTION
DESIGNATING THE PURCHASING AGENT**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive and the Chief Financial Officer, who serves and acts as the Director of Finance, Samuel T. Winder ("Winder") is hereby designated the Purchasing Agent for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-524, and this designation shall be effective immediately; and

BE IT FURTHER RESOLVED that Winder shall act under the supervision of the Chief Financial Officer; and

BE IT FURTHER RESOLVED that, in Winder's temporary absence and only if necessary, the Chief of Financial Management shall be empowered to perform the duties of the Purchasing Agent; and

BE IT FURTHER RESOLVED that Winder shall be empowered to designate members of his staff to perform such duties as he may determine are appropriate to delegate.

Item No. 12.3. Amendments to the Albemarle County Purchasing Manual.

The Executive Summary forwarded to the Board states that Albemarle County's Purchasing Manual, as adopted by the Board of Supervisors, governs and guides local government and school purchases in accordance with the Virginia Public Procurement Act (VPPA).

Following an extensive review of the Manual, staff from the Purchasing Office and the County Attorney's Office are recommending amendments to the Manual to reflect current best practices, to ensure improved regulatory compliance, to increase purchasing efficiency, and to reflect the 2018 General Assembly enacted changes to the VPPA that affect the purchase process of local governments and schools.

These amendments include:

1. An increase to the County's small purchase threshold from \$50,000 to \$100,000.
2. Clarification and additions to clearly defined limits of procurement authority granted to the County Executive, Deputy County Executive, Department Heads, the School Superintendent, School Chief Operating Officer, School Principals, and to personnel making purchases up to \$5,000.
3. Authorization for the delegation of purchase authority up to the small purchase limitation to subordinate staff.
4. Establishment of a requirement for all who initiate or approve purchases to have completed mandatory purchasing training.
5. Adding language to the Manual requiring Contract Administration procedures and responsibilities to be established and followed.
6. Creation of a list of small purchases that are exempted from competitive procurement requirements.
7. An increase to the County's small purchase threshold for procurement of professional services from \$50,000 to \$80,000 in accordance with the 2018 change to the VPPA.
8. The removal of Chapter 27, Design-Build Procedures, and Chapter 28, Construction Management Procedures, because they are obsolete and have never been utilized. Chapter 29, Participation of Small Businesses and Minority-Owned, Women-Owned, and Service Disabled Veteran-Owned Businesses in County Procurement, is now Chapter 27.
9. Changes to the language throughout the Manual to reflect current best practices in procurement and consistence with processes and procedures in practice in the County's purchases.
10. Changes and corrections throughout the Manual to conform to changes in statutory regulations, correct citations to the Virginia Code, and department or division name changes within the State and the County organization.

As a result of the review of the Manual and 2018 amendments to the Virginia Public Procurement Act, staff is recommending the following changes to the Purchasing Manual:

- Small Purchase Thresholds - Increase the small purchase threshold for the County from \$50,000 to \$100,000 in Chapters 4, 5, 11, and 22 to enhance efficiency, as the VPPA establishes that a public body may establish small purchase procedures not expected to exceed \$100,000. Increase the small purchase threshold for professional services for the County from \$50,000 to \$80,000 in Chapter 22, as the threshold was increased by 2018 legislation.
- Purchase Authority - Add a statement in Chapter 1 to clarify that the Board of Supervisors may designate an individual to act as Purchasing Agent to clarify current practice in the County. Add authority in Chapter 2 to delegate purchase authority to subordinate staff up to the Small Purchase Threshold to eliminate a bottleneck and increase efficiency in small purchase approvals through the County's automated purchase system. Expand and clarify in Chapter 26, the granting of clearly defined limits of purchase authority to the County Executive, Deputy County Executive, Department Heads, the School Superintendent, School Chief Operating Officer, School Principals, and personnel making purchases up to \$5,000 to establish clearly defined authority and responsibility for procurements. The Manual clearly defines and sets the limits for purchase authority in the County and delineate the associated responsibilities. This is closely related to the creation of mandatory purchasing training.
- Mandatory Purchasing Training - Add in Chapter 2 the requirement for any individual in the County that initiates or approves a purchase to have attended mandatory purchasing policy and procedures training to ensure compliance with regulations and ensure best value for the County.
- Contract Administration - Include in Chapter 2, definitive language requiring Contract Administration procedures and responsibilities to be established and followed to ensure proper contract performance and best value for the County.
- Competitive Exemptions - Add to Chapter 22, a list of purchases that are impracticable to competitively procure and are therefore exempted from competitive procurement procedures.
- Best Practices - Make appropriate changes to most chapters to reflect current best practices in procurement and consistency with processes and procedures in current practice in the County's purchases. These changes predominantly change the language

to align with the procedures that have developed in the County's purchasing operations through application of practices conducted in accordance with the VPPA requirements and a wide body of knowledge available through training and outreach through the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing. This also includes the removal of Chapters 27 and 28 because they are obsolete and have never been utilized, and the renumbering of Chapter 29 to Chapter 27.

- Changes to Regulations - Make appropriate changes to multiple chapters to conform to changes in State law requirements, correct citations to the Virginia Code that have changed since the Manual was last revised, and department or division name changes within the State and the County organization that have changed since the Manual was last revised.
- Other minor editorial changes throughout the Manual.

No budget impact is expected other than increased efficiencies.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to amend and re-adopt the Albemarle County Purchasing Manual (Attachments B through G).

By the above-recorded vote, the Board adopted the following Resolution to amend and readopt the Albemarle County Purchasing Manual:

**RESOLUTION TO AMEND AND RE-ADOPT
THE ALBEMARLE COUNTY PURCHASING MANUAL**

WHEREAS, the County of Albemarle Purchasing Manual ("Manual") delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

WHEREAS, the Manual was last amended on August 5, 2015; and

WHEREAS, the Board finds it is in the best interest of the County to amend the Manual to ensure continued compliance with State law, to increase purchasing efficiency, to reflect current best practices, and to reflect the 2018 amendments to the Virginia Public Procurement Act.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual in its entirety.

Item No. 12.4. Yancey School Community Center: Memorandum of Agreement with JABA.

By the above-recorded vote, the Board removed this item from the Consent Agenda.

Item No. 12.5. Resolution Declaring That Local Emergency Is Ended.

By the above-recorded vote, the Board adopted the following Resolution Declaring that the Hurricane Florence Local Emergency is Ended:

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
(Hurricane Florence) (Virginia Code § 44-146.21)**

WHEREAS, Hurricane Florence was forecast to bring heavy rain, flooding, and wind to the Commonwealth, including Albemarle County, beginning Thursday, September 13, 2018 (the "Event"); and

WHEREAS, because of the potential adverse impacts of the Event, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on September 11, 2018 pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Board of Supervisors confirmed the declaration of local emergency on September 12, 2018; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to, or to exercise the powers conferred by, Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Event to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

Item No. 12.6. FY 2019 Appropriations.

The appropriation forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

This appropriation does not increase the total County budget therefore a budget amendment public hearing is not required.

Staff recommends that the Board adopt the attached Resolution (Attachment B) for this local government program as described in Attachment A.

Appropriation #2019041 **\$1,000,000.00**

Source: Economic Development Investment Pool \$ 1,000,000.00

*This appropriation does not increase or decrease the total County budget.

This appropriation request is to transfer \$1,000,000.00 from the Economic Development Investment Pool to the Economic Development Authority of Albemarle County (EDA), per the Board of Supervisors’ approval on September 12, 2018 and the September 18, 2018 Woolen Mills’ agreement.

By the above-recorded vote, the Board adopted the following Resolution to approve additional FY 19 appropriations for above-recommended local government program:

RESOLUTION TO APPROVE ADDITIONAL FY 19 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019041 is approved; and
- 2) That the appropriation 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, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019041	4-1820-99900-499000-999954-1008	-1,000,000.00	SA2019041 Woolen Mills Agreement
2019041	4-1820-93010-493010-930222-1008	1,000,000.00	SA2019041 Woolen Mills Agreement
2019041	4-6850-91095-491095-950031-1008	1,000,000.00	SA2019041 Woolen Mills Agreement
2019041	3-6850-51000-351000-512000-9999	1,000,000.00	SA2019041 Woolen Mills Agreement
TOTAL		2,000,000.00	

Agenda Item No. 13. **SP201800005. Amendment to Malloy Ford Body Shop.**
PROJECT: SP201800005 Amendment to Malloy Ford Body Shop.
MAGISTERIAL DISTRICT: Rio.
TAX MAP/PARCEL: 045000000068A0 and 045000000068C1.
LOCATION: 2060 and 2070 Seminole Trail PROPOSAL: Expand previously approved body shop use on TMP 45-68C1 with new body shop within the existing building on the 2.06-acre parcel 45-68A.
PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance which allows body shops by special use permit. No dwelling units proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
AIA Airport Impact Area: Yes.
COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.
(Advertised in the Daily Progress on September 24 and October 1, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on August 7, 2018, the Planning Commission voted 5:0 to recommend approval of SP201800005 with the condition recommended by staff.

This request is an amendment to a previously-approved special use permit (SP201600018) to expand the body shop use on a neighboring parcel. The body shop will utilize a portion of an existing building that would be renovated to accommodate the new use. The request is consistent with the Comprehensive Plan.

Staff recommends that the Board adopt the attached resolution (Attachment A) to approve SP201800005 with the condition attached thereto.

Ms. Heather McMahon, Senior Planner, presented. She explained that the request is to amend the previously approved special permit for a body shop use at the Malloy Ford property on Route 29 North. She presented a vicinity map with the subject property, noting that it includes two parcels totaling 7.3 acres that are owned by Malloy Properties III, LLC. She said the southern parcel at 2060 Seminole Trail is occupied by the showroom of the former Better Living furniture store and is now vacant while the northern parcel at 2070 Seminole Trail was formerly the Better Living building supply store and is being converted into an automobile dealership and repair facility. She presented a zoning map, noting that both parcels are zoned as Highway/Commercial, with commercial uses predominating in this area along Route 29. The body shop use is considered accessory to motor vehicle sales; motor vehicle sales is a by-right use under highway/commercial zoning, and the body shop use is considered to be similar in character to vehicles service centers at nearby auto dealers such as Jim Price, Umansky, Colonial, and Brown's Collision Center. She said the proposed use is considered to be in harmony with other by-right uses in the district.

Ms. McMahon presented the applicant's concept plan and noted that the applicant's previously approved body shop use is labeled as Body Shop #1. This request is to expand this use with a new 9,120 square foot body shop located within the rear portion of the existing building on the southern parcel and known as Body Shop #2. She said the approval for Body Shop #1 would be retained giving the applicant flexibility to use both or either space as a body shop. She pointed to the proposed location of Body Shop #2 and noted that the showroom space would remain as is and be available for future tenant space. She said the warehouse would be renovated to accommodate the use, the noise and emissions would be contained in the building, repair and storage would be confined indoors, and the use would not create a negative visual impact on the entrance corridor or neighboring parcels. She said that, prior to the issuance of a zoning clearance for the use, the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges, or impacts from paint booths or flammable or hazardous work materials are sufficiently mitigated. She said this would ensure the use would not impose any substantial detriment to adjacent property. She presented a photograph of the building with an arrow pointing to the only exterior alteration that would be made; to the doors on the north elevation. She said there would be no outdoor vehicular storage or display of automobiles at the proposed location and the applicant has indicated that no changes are proposed to the previously approved parking configuration, travel ways, outdoor storage, or to the number of service bays, and that the sole change is to allow for a second body shop location.

Ms. McMahon stated that staff found factors favorable; the request is consistent with the Comprehensive Plan, and a portion of an existing building will be renovated to accommodate the use. She said there were no factors unfavorable. She noted that on August 17, 2018, the Planning Commission voted 5:0 in favor of the proposal with one condition. Ms. McMahon said the proposal is recommended for approval subject to the following condition:

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford last revised July 11, 2018 as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement, and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

There being no question for Ms. McMahon, Ms. Mallek opened the public hearing.

Ms. Valerie Long, representing the applicant, addressed the Board. She said that Ms. McMahon covered the issue pretty well. Ms. Long said she has some slides she could present, if the Board desired. She said the applicant feels the new proposal would provide the dealership with flexibility to use some unused space, and they meet all the supplemental regulations that apply to body shops.

There being no other comments, Ms. Mallek closed the public hearing.

Mr. Gallaway referred to the minutes of the Planning Commission and noted that Mr. Bruce Dotson pointed out that there was no opposition at the community meeting, though there were questions about the type of work that occurs at body shops.

Mr. Gallaway **moved** that the Board adopt the proposed Resolution and subject condition, as recommended, to approve SP-2018-00005. Ms. McKeel **seconded** the motion.

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

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

Ms. Mallek commented that her first reaction when she read the proposal was why the applicants had to come back and she requests that someone help her to understand this later since this is all automotive and commercial. She said that she hopes the County can find a way to make it easier for the applicant. Mr. Kamptner responded that the applicants had to come back because the previous special use permit covered the main parcel and did not extend to this one.

RESOLUTION TO APPROVE SP 2018-05 AMENDMENT TO MALLOY FORD BODY SHOP

WHEREAS, Malloy Properties III, LC submitted an application for a special use permit to expand the body shop use on Tax Map Parcel Numbers 04500-00-00-068A0 and 04500-00-00-068C1 that was previously approved (SP 2016-18), and the application is identified as SP201800005 Malloy Ford Body Shop ("SP 2018-05); and

WHEREAS, on August 7, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-05 with one condition; and

WHEREAS, on October 10, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-05.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-05 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-24.2.2.17 and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-05, subject to the condition attached hereto.

**SP-2018-05 Amendment to Malloy Ford Body Shop
Special Use Permit Condition**

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

Agenda Item No. 14. **SP201800006. Little Explorers Discovery School.**

PROJECT: SP201800006 Little Explorers Discovery School (Crozet Baptist Church)

MAGISTERIAL DISTRICT: White Hall TAX MAP/PARCEL: 056A1-01-00-08200.

LOCATION: 5804 St. George Avenue.

PROPOSAL: Preschool/After School program for up to 40 students.

PETITION: Request for day care, child care or nursery facility in accordance with Section 14.2.2.7 of the Zoning Ordinance on 2.25 acres. No residential use is proposed.

ZONING: R2 Residential which allows 2 dwelling units/acre and institutional and public uses.

COMPREHENSIVE PLAN: Neighborhood Density Residential which allows 3-6 units /acre; supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Community of Crozet.

(Advertised in the Daily Progress on September 24 and October 1, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on August 14, 2018 the Planning Commission (PC) conducted a public hearing and voted 6:0 to recommend approval of SP201800006 with the conditions outlined in the staff report, inclusive of recommended modifications to condition #5 related to fencing. Attachments A, B, and C are the PC staff report, action letter, and minutes from the PC meeting.

The Planning Commission did not recommend any changes; however minor wording changes to the conditions were recommended by the County Attorney's office which do not change their substance. Attachment D shows those changes.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP201800006 with the conditions attached thereto.

Mr. Andy Reitelbach, Senior Planner, presented. He said this is a proposed preschool and after-school program to be located at Crozet Baptist Church at 5804 St. George Ave in Crozet. He said the property is approximately 2.5 acres, is zoned R2 Residential, which allows childcare facilities in places of worship by special use permit, and is recommended for neighborhood density residential in the Crozet Master Plan. He presented a map of the surrounding area and pointed to the location of the church, outlined in purple. He said the maximum enrollment would be 40 children, with no more than 25 at any given time, hours of operation would be 7:30 a.m. – 5:30 p.m., with indoor instruction and outdoor play.

Mr. Reitelbach described the surrounding neighborhood as mostly residential, with churches and a funeral home. He noted that there is a sidewalk on the south side from Crozet Avenue to the church. He presented photographs of the property and pointed out the proposed backyard play area. He next

reviewed some concerns that neighbors shared at a community meeting and via email as follows: addition of a business to the neighborhood, additional traffic on a neighborhood street, noise from outdoor play, and loss of privacy and enjoyment of property. He reviewed some additional comments of local residents at the community meeting as follows: more opportunities for child care are needed, impacts are not substantial, and a request that the operating hours be Monday–Friday instead of Tuesday–Friday. He noted that the applicant has proposed a staggered drop off time to alleviate concerns about a large increase in traffic. Mr. Kevin McDermott, the County’s Transportation Planner, has expressed a willingness to work with neighbors on issues of speeding, which are already a neighborhood concern. He noted that Crozet Elementary School is also located nearby.

Mr. Reitelbach presented a slide with the following data:

Traffic: Year 2000: 720 vehicles per day
Year 2012: 560 vehicles per day
30 vehicle round trips between 7:00 – 9:00 a.m. (staggered)

Noise: One class at a time on the playground. Full use of back yard, not just the play set

Privacy and Keeping Children on Site

- Church proposes a privacy fence
- consult neighbors on height and materials

Neighborhood Character

- many religious institutions also operate preschools
- existing businesses in neighborhood
- addition of childcare changing the district

Mr. Reitelbach listed Factors Favorable and Unfavorable as follows:

Factors Favorable:

- consistent with Crozet Master Plan
- located in development area
- would help support residents in Crozet

Factors Unfavorable:

- additional vehicular trips on St. George Avenue; but, staggered drop off for even more distribution
- noise from outdoor play areas; proposed privacy fence and enlarged play areas in backyard

Mr. Reitelbach said that the Planning Commission, at its meeting on August 14, 2018, voted 6:0 in favor of the application, with the following six conditions:

1. The preschool and extended care/afterschool programs shall take place within the existing Crozet Baptist Church building except for outdoor play which shall take place within a fenced yard.
2. The maximum enrollment of children shall be 40 with no more than 25 children present at any time in both the preschool and extended care/afterschool programs.
3. Hours of operation for the preschool shall be no earlier than 7:30 a.m. and not later than 5:30 p.m. except that occasional preschool-related events may occur after 5:30 p.m.
4. A staggered morning drop off period shall be employed by the owner to more evenly distribute traffic generated by the use across a one and one half hour period.
5. After consultation with abutting property owners on materials, height, and plantings but prior to beginning operation of the preschool or extended care/afterschool program, the owner of the property shall construct and maintain a fence along the western and northern property lines.
6. If the construction of the use for which this Special Use Permit was issued was not commenced by October 20, 2020, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

He concluded his presentation and invited questions.

Ms. Palmer asked when the consultation with neighbors would take place and if it would occur before the school opened. Mr. Reitelbach responded that this would be determined by the neighbors and the property owner/applicant, though it would have to be prior to the approval of zoning clearance for the fence by the Zoning Division. He confirmed that it would be prior to the opening of the school.

Ms. Mallek opened the public hearing.

Ms. Christie Gillette, the applicant, addressed the Board. She stated that she was a public school teacher for seven years. She said they are very excited to bring this service to the community and hopes the Board will approve the request. She noted that she resides off of St. George Avenue, drives by the church all the time, and has never had a problem with traffic. Addressing the issue of the outdoor play

area, she said they will build towards the building and away from the neighbor, with most outdoor play to occur 50 feet away. Addressing the issue of fencing, she said the church is collaborating with the neighbor and looking at different fences.

There being no other comments from the public, Ms. Mallek closed the public hearing.

Mr. Kamptner said that in Mr. Reitelbach's presentation, the noise issue in part was going to be addressed by the daycare center controlling the number of children out in the playground at any time. He emphasized that this is not a condition of the special use permit and is solely an operational standard they are imposing on themselves.

Mr. Randolph commended the Planning Commission for working out the issues of fencing and the staggered drop off.

Ms. Mallek **moved** that the Board adopt the proposed Resolution and subject conditions, as recommended, to approve SP-2018-00006. Ms. Palmer **seconded** the motion.

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

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

NAYS: None

RESOLUTION TO APPROVE SP 2018-06 LITTLE EXPLORERS DISCOVERY SCHOOL (CROZET BAPTIST CHURCH)

WHEREAS, the Owner of Tax Map Parcel 056A1-01-00-08200 filed an application to establish a day care facility at the Crozet Baptist Church property located at 5804 St. George Avenue in Crozet and the application is identified as Special Use Permit 2018-06 Little Explorers Discovery School (Crozet Baptist Church) ("SP 2018-06"); and

WHEREAS, on August 14, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-06 with conditions; and

WHEREAS, on October 10, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-06.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-06 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code 88 1822.2.2(13) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-06, subject to the conditions attached hereto.

SP-2018-06 Little Explorers Discovery School (Crozet Baptist Church) Special Use Permit Conditions

1. The preschool and extended care/afterschool programs shall take place within the existing Crozet Baptist Church building except for outdoor play which shall take place within a fenced yard.
2. The maximum enrollment of children shall be forty (40) with no more than twenty-five (25) children present at any time in both the preschool and extended care/afterschool programs.
3. Hours of operation for the preschool shall be no earlier than 7:30 a.m. and not later than 5:30 p.m. except that occasional preschool-related events may occur after 5:30 p.m.
4. A staggered morning drop off period shall be employed by the owner to more evenly distribute traffic generated by the use across a one and one half hour period.
5. After consultation with abutting property owners on materials, height, and plantings but prior to beginning operation of the preschool or extended care/afterschool program, the owner of the property shall construct and maintain a fence along the western and northern property lines.
6. If the construction of the use for which this Special Use Permit is issued is not commenced by October 20, 2020, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Agenda Item No. 15. Thru-Truck Restrictions for Miller School Road and Owensville Road.

The purpose of this public hearing is to receive public comment on the County's intent to request the Commonwealth Transportation Board prohibit through truck traffic on 1) Miller School Road (Route 635) from Plank Road (Route 692) to Rockfish Gap Turnpike (US Route 250), and 2) Owensville Road (Route 676) from Rockfish Gap Turnpike (US Route 250) to Garth Road (Route 692).

(Advertised in the Daily Progress on September 24 and October 1, 2018.)

The Executive Summary forwarded to the Board states that over the past few years, as the frequency of large trucks using rural county roads has increased, the safety concerns on roads that are potentially unsuitable for this type of traffic has also grown. The Virginia Department of Transportation (VDOT), Albemarle County staff, County Supervisors, Police, and Fire and Rescue have all been dealing with issues related to this on a frequent basis. Supervisors Mallek, McKeel, and Palmer have requested staff to examine this issue as it relates to the rural areas in the western portion of the County and

specifically to Miller School Road (Route 635) and Owensville Road (Route 678). Similarly, Albemarle County staff and VDOT have received requests from numerous property owners living on and near these roads requesting an evaluation of the appropriateness of heavy and long vehicles. Public information meetings have been held with residents in the Batesville and Garth Road areas to discuss issues and concerns related to this.

On January 2, 2018, the Board authorized funding for a study to evaluate potential Through Truck Restrictions on Owensville and Miller School Roads. On Owensville Road (Route 678), the potential restriction would extend from Ivy Road (US 250) to Garth Road (Route 614). On Miller School Road (Route 635), the potential restriction would extend from Plank Road (Route 692) to Rockfish Gap Turnpike (US 250).

The process for assessing and approving a through truck restriction in Albemarle County is outlined in the "County of Albemarle and VDOT 'Through Truck Restriction' Process" adopted December 2000 (Attachment A). This Public Hearing is the final step in the process before the Board can make a determination to support or deny the request. On August 1, 2018 the Board received the results of the Through Truck Restriction Studies. These studies showed that, based on the VDOT "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways" (Attachment B), it was determined that these requests appear to qualify for a restriction.

The Final Through Truck Restriction Reports for the two routes have been completed and posted on the Albemarle County website on the Community Development Department page under the Transportation Information tab. The results of these studies show that both routes appear to qualify for through truck restrictions and reasonable alternate routes are available and identified. The analysis of the character of the roads and frequency of the truck traffic, including safety and geometric considerations, demonstrates that the level of truck traffic may not be suitable for these routes. Attachments C (Owensville Road) and D (Miller School Road) provide summaries of the findings from these studies.

No anticipated budget impacts.

Staff recommends that the Board adopt the attached Resolutions (Attachments E and F) based on input submitted at the public hearing to formally request the Commonwealth Transportation Board to restrict through truck traffic on Owensville Road and Miller School Road.

Mr. Kevin McDermott, Transportation Planner, stated that he would present on Miller School Road through-truck restriction and Owensville Road through-truck restriction, two separate resolutions. He said this arose out of frequent complaints from residents over many years about the appropriateness and safety of oversized vehicles on rural county roads. He remarked that following numerous requests to restrict trucks from Plank Road and Miller School Road, as well as Free Union Road to Woodlands Road to Reas Ford Road, VDOT conducted a preliminary evaluation and suggested it would support restrictions on Owensville and Miller School Roads if supported by a through-truck study. In January 2018, the Board authorized funding for studies to examine the appropriateness of the two through-truck restrictions, and in August 2018, the Board reviewed the preliminary findings from the studies and set this public hearing. He presented a roadmap of the area and pointed to the roads and surrounding landmarks. He reviewed VDOT's three major criteria for through-truck restrictions: 1) reasonable alternate routing is provided-- must be judged at least as appropriate for truck traffic as the requested truck restriction route; must not create an undue hardship for trucks in reaching their destination; 2) the character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area-- considering safety issues, accident history, engineering of the roadway, and vehicle composition; and 3) the roadway must be functionally classified as either a local or collector. Mr. McDermott said that based on the evaluation, these routes appear to qualify for through-truck restrictions.

Mr. McDermott next reviewed the results from the study of Miller School Road. He said that two-way daily traffic was found to be 1,099 vehicles per day south of Dick Woods Road and 2,330 vehicles per day north of Dick Woods Road. In VDOT's study, he said that total large truck traffic was found to be 118 (about 10.7% of total traffic) per day south of Dick Woods Road and 148 (about 6.4% of total traffic) per day north of Dick Woods Road. He said the County conducted its own two-day study and found a higher percentage of truck traffic compared to that determined by the VDOT study. Based on VDOT numbers, Miller School Road is the 18th most heavily traffic rural secondary road in Albemarle County by trucks. If Albemarle numbers are correct, that moves way up on the list.

Ms. McKeel asked for an explanation as to why the numbers differed. Mr. McDermott explained that VDOT used figures collected over the past few years and used a formula to calculate an average, while the County's figures were from a one-time, two-day period. He remarked that both studies indicate the roads are heavily traveled on by trucks. He added that both studies cover the same amount of time.

Mr. Randolph asked about the third criteria, where the roadway is residential in nature, and quoted: "Typically the roadway would be judged to be residential if there are at least twelve dwellings combined on both sides, within 150 feet of the existing or proposed roadway center line per 1,000 feet of roadway." He characterized this as very limiting and having to be highly residential in nature. He remarked that more so in the case of Miller School Road than Owensville Road, because there are enough connecting communities coming into Owensville, one could argue that it has more of a residential nature. Mr. Randolph stated that this criterion fails to recognize that there could be any other vehicle other than an automobile on the roadway, and the nature of the curves are so significant that they threaten the actual use of the roadway by vehicles traveling in the opposite direction. He expressed hope that they can

speak with Mr. Joel DeNunzio about these criteria, as it strikes him as being highly outdated and supposes a model of evaluation by a board that does not necessarily hold merit, especially in the context of what they are considering now. He said it certainly does not apply to the connection between Batesville and Plank Roads and Route 250.

Ms. Mallek remarked that she disagrees, as there are 12 houses within 1,000 feet and it should qualify.

Mr. McDermott clarified that this criterion was either/or, and either has to meet the characteristics of a residential road or be classified as a local or collector road. He said they evaluated both roads for these residential criteria, which neither road met – although they both meet the criteria as a collector. He said they also looked at whether the community of Batesville meet these criteria and found that it did not.

Mr. Randolph asked what other way to classify a roadway would be other than local or collector. Mr. McDermott responded that either primary and arterial roads.

Mr. Randolph remarked that if this was a primary road, it still would not change the issue he is raising about the residential requirement, given the curvaceous nature of the road and the inclines. He expressed hope that they can discuss this with Mr. DeNunzio at some point.

Mr. McDermott continued the presentation and stated that they found that there were 164 crashes per 100 million vehicle miles north of Dick Woods Road and 324 crashes per 100 million vehicle miles south of Dick Woods Road. He said the district average for two-lane rural roads is 147 crashes. He said that in the past five years, there have been 34 crashes and only two involved trucks.

Ms. Mallek asked if the data included road runoffs where there is not an impact but a car go off the road to avoid a truck. Mr. McDermott replied that these are reported accidents only.

Ms. Palmer emphasized that trucks get hung up on Miller School Road and cannot get through.

Mr. McDermott said the evaluation showed that four of eight major curves and the average lane widths do not meet the current minimum standards. He presented a map of Miller School Road, with representation of accident locations, and he emphasized that most occurred along major turns in the southern portion. He agreed that the reports showed that a lot of trucks were not able to make the turn from Miller School Road to Plank Road and have been knocking out power poles, and the road had to be closed while the vehicles were extracted.

Ms. McKeel said it sounds like the Board needs criteria that addresses the ability of the road to handle the trucks. Mr. McDermott responded that he thinks the state may leave the standards general on purpose since they apply to everyone.

Mr. McDermott said that the County has evaluated the turning movements of trucks and found that single-unit trucks with a wheelbase over 30 feet could not make the turn without encroaching on the opposing lanes, and that trucks with a 40-50 foot wheelbase would have to use the shoulders or go off the road. He added that trucks with a length of 30 feet or less might be able to make the turn. He said that when analyzing the character of the road, it did not meet the criteria of 12 residential units within 1,000 feet, though Miller School Road provides access to 65 residential units and although it is a rural road, it has a lot of residential uses. He next reviewed their study of a reasonable alternate route, which began with an analysis of the cut-through between Route 29 and I-64 West. He said they estimated a similar travel time for using the cut-through as for staying on I-64 to Route 29. He said the alternate route requires trucks to make a left turn from Route 29 to enter I-64 West, which he heard was a difficult movement for trucks and was a County priority, as they have submitted a Smart Scale application to address this. He remarked that there were plenty of other alternate routes. He said that to go from US 250 to Plank Road is five miles and eight minutes to drive, while the nearest alternate route, from US 250 to Plank Road and back to Batesville, is 10 miles and adds seven minutes to the trip.

Mr. McDermott then reviewed Owensville Road. He said the two-way daily traffic count was found by the County to be 2,731 vehicles per day north of Tilman Road and 3,398 vehicles per day south of Tilman Road, which includes 93 trucks per day north and 73 trucks per day south of Tilman. He noted that VDOT's figures differs, though both studies show that Owensville Road does not have an exceptionally high percentage of truck traffic and most of the trucks are single-unit with three or more axles. He informed the Board that the crash rate was found to be 157 per 100 million miles north of Tilman and 229 south of Tilman, including 32 crashes in the most recent five-year period, of which only one involved a truck. He acknowledged that Owensville Road has a lot of major curves, eight of the 11 do not meet current standards, and the average lengths and widths did not meet the 12-foot minimum. He described the character of the road as a bit more residential than Miller School Road, as it has 108 residences with a similar length to Miller School Road.

Ms. Palmer described Owensville Road as much more suburban in character, with many neighborhoods located off it.

Ms. Mallek pointed out that there is a 100-foot setback maximum, which means that many houses that are further back from the road are not counted. Mr. McDermott noted that while it did not meet VDOT's residential criteria, it did for other criteria.

Mr. McDermott explained that there are two alternate routes for Owensville Road, with one alternative being to stay on US 250 to the US 29 Bypass, though this has a 13 feet 2 inches restricted height bridge under the railroad at Ivy, though most trucks are able to pass under as the maximum height for trucks on Virginia roads is 13 feet 6 inches. He said the travel time is six minutes and 30 seconds less if one stayed on US 250 than if they traveled on the back roads.

Ms. Palmer asked if they know how many trucks travel under the Ivy bridge train trestle. She remarked that from anecdotal experience, a lot of trucks avoid it. Mr. McDermott replied that he does not have this information, though he imagines that a lot of trucks are not sure of their load and play it safe by avoiding it. He reviewed the other alternate route, to go on US 250 to I-64 and around, which adds just over 10 minutes of travel time.

Ms. Mallek remarked that a truck was stuck at Owensville and Woodlands Road for six hours, and 10-minute additional travel time does not sound like much.

Ms. Palmer remarked that there are not as many complaints about Owensville as with some of the others further out, and asked why they are focusing on Owensville. Mr. McDermott responded that the issue was that trucks were using Owensville to get to Free Union and Woodlands and Woodlands and Reas Ford and then onto areas around US 29 North.

Ms. Palmer asked for clarification that these roads did not lend themselves to a truck restriction as well as this one. Mr. McDermott confirmed that this was the opinion of VDOT, as there were fewer curves and lower crash rates. He said they did not evaluate other turning movements, though they frequently see trucks getting hung up at Free Union and Woodlands and Woodlands and Reas Ford.

Mr. McDermott reviewed restriction options and noted that he has provided Board members with draft resolutions that would request a full through-truck restriction traveling from one point to another without an origin or destination along the road, except for pick up or panel trucks. He noted that trucks with an origin or destination along Miller School or Owensville Roads would be permitted. He cited that 86% of Virginia roads with through-truck restrictions are set at any length, while 14% are of varying lengths. He said that a full through-truck restriction would probably be the easiest to enforce, and the only way to fully address all safety-related issues. He said they could set the restriction for vehicles that exceeded a certain length, typically between 25-65 feet. He said a 45-foot restriction would allow for most trucks, except for tractor-trailers, which are typically 65 feet in length. He noted that the turning radius at the Plank Road and Miller School Road intersection could be up to 30 feet and allow the vehicle to stay within its lane, while a 35-foot radius allows a turn within the roadbed. He said he has heard from citizens that drive 30 and 35-foot trucks that need to use the road frequently.

Ms. Palmer noted that Batesville Store receives deliveries from 35-foot trucks that take Miller School Road to Plank Road. She remarked that since they are not delivering on Miller School Road but on Plank Road, it is a through-truck with respect to the regulations. Mr. McDermott responded that if they are to set a through-truck restriction for Miller School Road, the origin or destination has to be on Miller School Road and since Batesville Store is on Plank Road, trucks would not be able to travel to Miller School Road.

Ms. Mallek asked if they have the authority to make an exception for within 100 yards of Miller School Road, since they are about 50 yards away from the intersection. Mr. McDermott replied that he is not aware of a way to carve this out. He said Officer Miller of the County police, who deals with enforcement, is present in the audience.

Ms. Palmer acknowledged the inordinate amount of time Mr. McDermott has spent on this issue, including his attendance at many community meetings. She said she has learned that 35 feet and above is reasonable, though they would hear from residents.

Mr. McDermott acknowledged that he has heard from numerous businesses that 35 feet would not impact them, though with anything less they would not be able to use the road. He remarked that stricter lengths would impact more local haulers while allowing for some of the smaller dump trucks coming from quarries that are frequent users of the road and have caused the issues people have complained about such as running cars off the road. He said these dump trucks range in size from 25–40 feet, and some states restrict tractor-trailers without specifying a length. He said there are a couple of roads in Albemarle with signs that indicate through-trucks are not recommended, which is not enforceable but may reduce the use by some trucks, and he believes that if they were to pass a resolution, they could obtain VDOT approval.

Mr. McDermott reviewed the next steps. He said the Board could approve resolutions to request the Commonwealth Transportation Board establish through-truck restrictions on Owensville and/or Miller School Roads. He said that if the Board wants to establish particular size restrictions, they could take a vote and approve the resolution – and he could return at the next meeting with a resolution for the consent agenda with the size restrictions. He explained that VDOT has nine months to review and respond. He said that for secondary routes, the Commonwealth Transportation Board has designated the Commissioner of Highways to make the decision and if approved, signage would be developed and installed and enforcement would begin.

Mr. Dill asked how important it was to define the length and get it right before it went to the Commissioner for review. He asked if it was an all or nothing question or if it could be adjusted, and if they could ask for an exception for the Batesville Store. Mr. McDermott replied that the Commissioner

would go by what the Board has recommended and either approve or deny, though he does not believe alternative lengths would be suggested. He indicated that they could inquire with VDOT as to whether an exception such as Batesville has been done and inform the Board.

Mr. Kamptner said that he thinks another public hearing would be required for the Batesville exception.

Ms. Palmer said she hopes they could take deliveries to Batesville Store into consideration, and asked for confirmation that they had said that greater than 35 feet would be acceptable. Mr. McDermott responded that he has not heard this from the Batesville Store. He said there was a landscaping business located in North Garden that had indicated its trucks were under 35 feet.

At this time, Ms. Mallek opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board. He said he was encouraged by the level of detail presented by staff and remarked that trucks make up a small fraction of the traffic on these roads. He expressed his opinion that the VDOT traffic counts are closer to reality than the figures from the County's two-day study, though in either case, they indicate that trucks represent less than 10% of traffic volume and less than 1% on some roads. He said this is the latest in a series of potential truck bans the County has pursued and such bans are not supported by the state as it is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to roads on which they are legally entitled to travel. He added that traffic by any class of vehicle on any class of highway should be restricted only upon demonstration that it would promote the health, safety, and welfare of the citizens of the Commonwealth. He said they believe that health, safety, and welfare is a core government function and the state's crash data found there has been no crashes on either of these roads, though the County's figures indicate three crashes. He pointed out that there were 88 crashes that did not involve big trucks and said that maybe the Board should think about banning cars or fixing the road; two concepts that are not being discussed. He said they believe this is not about the health, safety, and welfare but a bit of NIMBY 2.0., and the idea that they do not want trucks in the rural area. He emphasized that everyone's tax dollars paid for these roads and have the right to and deserves the use of these roads. He urged the Board to not ban trucks and warned that if they do, his organization will be arguing with the Commissioner and NTSB that everyone should have a right to the roads.

Mr. Larry Oder, owner of Blue Ridge Builders Supply, addressed the Board. He informed the Board that his business has been open in Crozet since 1987 and they strive to be community- oriented and minded. He said that a restriction on one or both of the roads would keep them from being able to service areas beyond north and south as 65-70% of sales are delivered by his business on a flatbed truck with a forklift on the back as well as with a large box van. He stressed that a delivery to the Batesville Store would normally be five miles with a \$30 delivery charge and this would increase the distance to 25 miles and the delivery charge to \$50 - \$60 to areas to the south of Miller School Road, though they can use Miller School Road if they are making a delivery to Miller School. He said they service Garth Road and Free Union and that not being able to use Owensville Road would increase the delivery charge from \$30 to \$45 - \$50, increase the delivery time, and would give competitors an unfair advantage if his trucks has to go through Charlottesville and then come back. He noted that they would incur the additional expenses of overtime and vehicle expenses from additional mileage. He emphasized that in the 31 years they have been in business they have never had an accident on either of the roads.

Ms. Mallek asked Mr. Oder if his flatbed was a single-unit or a tractor-trailer. Mr. Oder replied that it is a single unit. He said the wheelbase from the front axle to the first tandem is about 27 feet, the forklift is on the back, and overall it is around 40 feet. He commented that a suggested alternative route on Plank Road from Route 250 is not feasible, as there is a bridge just to the north of Batesville with an 18 ton weight limit, whereas his truck weighs 17 tons when empty.

Ms. Palmer remarked that a lot of tractor-trailers uses the bridge and VDOT has explained that, since the bridge is so short and the entire truck is not on the bridge, it does not cave in. She asked if the forklift on the back is on a trailer. Mr. Oder clarified that the forklift stick into the back of the truck and is chained to the truck.

Ms. Palmer wondered if the forklift sticking out the back counts towards the length of the truck.

Ms. April Muniz, resident of Plank Road near the Batesville Market, said she would speak for her neighbor, Ms. Pat Doherty, who lives on Miller School Road. She read a letter addressed to the Board of Supervisors from Ms. Doherty: "I have lived in my house on Miller School Road, one mile from Batesville, for over 20 years. In the past few years I have noticed a dramatic increase in large truck traffic, specifically large dump trucks, logging trucks, and other commercial trucks. The narrow lanes without shoulders on Miller School and Plank Roads, many bordered by small ravines, are difficult enough to maneuver in a car, but the large trucks greatly contribute to unsafe conditions. Last year my car and the car behind me were completely run off the road by a logging truck that failed to negotiate the curves between the front and back entrance of Miller School. Luckily for us, at the time there was a large enough area for us to swing into at the then under construction new entrance to Miller School. Without this we would have both sustained damage to our cars and possibly to ourselves. This was the most traumatic experience I've had with large truck traffic on Miller School Road but I assure you this was one of many. My teenage children, husband, friends, and other loved ones drive these roads every day and I fear for their safety in the miles closest to home more than other roads. Just recently in our neighborhood a young driver was clipped by a passing dump truck that was too big for the road. Please add my name to the many Batesvillians who are in support of common sense vehicle size length restrictions on Miller and

Plank.” Ms. Muniz said she is also a 20+ year resident of Batesville and have seen the increase in traffic over this period. She said it is very dangerous, there are a lot of cyclists on the road, though not as much foot traffic as along Plank Road, but it is still a large concern for all of them in the neighborhood.

Mr. Sam Speedie addressed the Board. He said that Mr. J. Michael Drew, Head of Miller School, asked him to deliver a letter to the Board. He noted that Mr. Drew spoke to the local affiliate of CBS News last night on this topic. He said that Mr. Drew’s letter refers to near misses he has heard about on a daily basis that do not show up in statistics. He said he would make two interrelated points: 1) As members of the community they have never sought to disadvantage independent contractors and trades people. He said they are making a distinction between flatbed and pickup trucks with hitches and trailer, and 4, 5 or 6 axle dump trucks and semi-trailers. He said the larger category vehicles whose wheelbase and overall dimensions render them unable to safely navigate the twists and turns of Miller School Road, including the critical intersection with Plank Road. He emphasized that they have supported exemptions for local haulers to the extent that state regulations allow this to avoid disadvantaging local industry. 2) He estimates that there are 60 – 80 daily, one-way trips of predominantly 4, 5 or 6 axle dump and logging trucks. He noted that stuck semi-trailers grab the headlines, though they have seen much fewer of these using the road and making that turn. He emphasized that, as community advocates, their intention is to identify the larger category vehicles he mentioned and that cause the near misses and cannot navigate the road due to their width and dimension.

Mr. Holmes Brown, resident of Batesville, read a brief statement of a neighbor, Mr. Stu Pollack, as follows: “I regret I cannot attend the public meeting tonight, October 10, 2018, as my duties as a cardiologist require that I remain at the hospital. I would like, however, to forward my input on the Miller School Road plan through this statement. Daily experience and detailed analysis have shown Miller School Road to be a high-risk road, inappropriate for large trucks. I appreciate and congratulate the Board of Supervisors for grappling with this problem. I am optimistic that a solution that will keep myself, my family, friends, and neighbors safe on the road will be achieved by the Board of Supervisors tonight. I know that you have put much thought and analysis to this.” Mr. Holmes said he would submit the letter for the record.

Mr. Brown added that he, personally, lives within one-half mile of Miller School, Plank, and Craig’s Store Roads, and have attended many meetings to discuss truck traffic through town. He said that residents have expressed increasing concern over the past two years about the frequency of speed and size of trucks traveling along these roads. He said the resolution under consideration tonight is the result of lengthy discussion and consultation with the community. He commended Mr. Kevin McDermott, Ms. Palmer, and Mr. Joel DeNunzio for their availability and assistance. He said he has driven all three roads for 60 years and decades ago most traffic consisted of cars and pickup trucks, and twice a year they would attach a hay wagon to a tractor to collect bales along the then narrow, winding, and largely unimproved roads. He said the increased population of the surrounding area along with increased use of GPS has increased the frequency, size, and speed of truck traffic geometrically, yet the roads remain the same. He noted that the study indicates an increase in accidents and danger to both vehicular and pedestrian traffic. He emphasized that residents expressed in discussions that they do not want to negatively impact local businesses, however, unfortunately the only exceptions available to a total prohibition is through-truck restrictions, which do not give residents much latitude when trying to accommodate both safety and local businesses.

Ms. Jo Higgins presented a petition that had 75 signatures in opposition to truck restrictions. She said she would like to separate tractor-trailers, as there is no one that drive the rural roads who would agree that they are appropriate for the two roads, and she believes that a restriction on tractor-trailers would be accepted by the Commonwealth Transportation Board. She said the Board made a decision to keep the rural areas rural and there are no roads that do not have curves that meet current standards. She said a restriction would impact local businesses, as well as rural area residents, and this would affect tourism, the horse community, and events at Keswick, and the unintended negative side effects are not worth it. She said that the real problem is speed enforcement of all vehicles, and there are many accidents on the road because people are driving at speeds that are too fast. She stated that the Board chose not to build a new connection from Owensville Road to US 250 and cancelled a project over 20 years ago, which would have corrected the worst curves at the south end and the vertical alignment. She said there are numerous reasons why it is necessary to keep Owensville Road open to trucks, such as a four-way stop in Crozet where one cannot turn right to go north, a railroad bridge at e Route 240 in Crozet that prevents through actions, and a railroad restriction the Board has already talked about. She said this would cause people to cut through Old Trail to Jarman’s Gap and to access the north end this way. She urged that the Board only restrict large trucks, and noted that Route 22 and Route 151 are two roads with a 65-foot restriction, and described this as very reasonable, doable, and acceptable. She urged the Board not to cause Blue Ridge Builders Supply to have to use smaller trucks and make additional trips when they can use a larger truck. She said they need to address the GPS that routes tractor-trailers off Route 29 and not the local traffic.

Ms. Mallek closed the public hearing.

Ms. Palmer asked Mr. McDermott how the width of a dump truck compares to other trucks. Mr. McDermott replied that they are variable. Ms. Higgins added that dump trucks and Class A RVs are 101 inches, or eight feet, which fit within the lanes of all roads in the County; however, they are very pressed to stay at the edge of an unstriped, 18-foot wide road, which is common in the rural areas.

Mr. Randolph noted that Google indicated the average width of dump trucks is 8.5 feet and the average length is 21 feet.

Ms. Palmer asked for confirmation that they are not talking about a truck pulling a horse trailer when considering truck restrictions.

Ms. Mallek remarked that if they went on length only it would be, but a lot of people go to events at Miller School and Foxfield in the section – so they would not going to be restricted.

Ms. Palmer remarked that it would depend on whether they are going south.

Mr. Dill said they would be restricted on Owensville Road if going to Foxfield from Crozet.

Ms. Palmer remarked that this is a really difficult situation with trucks on these roads and she thinks everyone would agree that tractor-trailers need to be restricted, but she wonders to what point does the Board not interfere with the deliveries of businesses such as Blue Ridge Builders Supply. She asked Mr. McDermott if a forklift hanging off the back of a truck is counted towards its length. Mr. McDermott confirmed that it is, adding that the standard length of a tractor-trailer is 65 feet, and he noted that a number of roads in Virginia have a through-truck restriction on tractor-trailers.

Ms. Palmer pointed out that even if they went down to 35 feet, they would not have taken dump trucks off Miller School Road. Mr. McDermott said that some dump trucks that use local quarries are up to 40 feet, and a 35-foot restriction would cut some of them out, but the majority of them are 30 feet.

Ms. Palmer pointed out that any logging trucks using the roads are working.

Ms. Mallek responded that they are going from Earlysville to Campbell or from Earlysville to Tapscott or from the west end of the County to the southern end of the County.

Ms. Palmer remarked that they have tried to deal with speeding through additional policing efforts, although she realizes there is no room to pull off anyone from Miller School Road.

Lt. Walls of the Albemarle County Police Department addressed the Board and pointed out that the average school bus length is 45 feet.

Mr. Gallaway asked Lt. Walls what his experience has been.

Officer Miller addressed the Board. He stated that it depends on the area and the road. The last three trucks he either fished out from underneath the bridge at Ivy Road or off Owensville Road were moving trucks with a customer address on those roadways. He noted that GPS does not indicate if there are restrictions on the road. Police departments have asked the manufacturers of GPS devices to provide this information, but this has not made it in. He said that once they extract a stuck truck, which can take from 1–4 hours depending on how far under the bridge it has reached, they send them up Owensville Road, sometimes with a car following, with the other option being to back them up to Route 250 at the intersection of Tilman Road. He noted that there are a lot of logging trucks on Plank and Miller School Roads, and the average logging truck is 60 feet in length, which fall under the size limit.

Ms. Palmer asked if the Board were to restrict tractor-trailers on Miller School Road, which seems reasonable, how would they install signage that would be easy to view by truck drivers.

Officer Miller said the most frequently enforced one is the Route 22/231 combination, which has signage coming out of Gordonsville and provides a truck route option that puts them on to Route 15 through Zion Crossroads. He said there are three or four six-foot tall signs that indicate the road is restricted to trucks over 65 feet in length. He said that coming off I-64 in Charlottesville, there is signage stating that trucks should not take this road. He said the Police Department stops and summons trucks for these offenses. He acknowledged that enforcement is tricky and he sometimes must follow a truck for a considerable amount of time before the road is wide enough to pull them off.

Ms. Palmer asked how the truck driver's respond when they are pulled over. Officer Miller replied that 99% of them were following GPS directions, which always follows the shortest route.

Ms. Mallek remarked that the fine they have to pay would at least make them not do this again, hopefully. Officer Miller said he does not think he has ever ticketed the same company twice.

Ms. Palmer pointed out that a school bus is 45 feet. Officer Miller confirmed that this is the size of the average full-size school bus, depending on whether or not it has a flat front or a longer nose.

Officer Miller pointed out that if a restriction was imposed but not enforced for school buses and a crash took place, the County or driver could be civilly liable.

Ms. Mallek said she saw a very large, articulated, four-axle gravel truck earlier that day, and she asked if this would be called a tractor-trailer. Mr. McDermott confirmed that it would. He emphasized that a school bus is from a different vehicle class from trucks by federal standards. He added that he will research to see if a school bus would be exempt from a through-truck restriction.

Ms. McKeel pointed out that Georgetown Road has a through-truck restriction, many school buses use the road, and she does not think this is a concern.

Officer Miller remarked that Georgetown, Proffit, and Rio Roads (from Hillsdale to Park Street) have through-truck restrictions.

Mr. Dill asked for the restriction length on Proffit Road. Officer Miller replied that the Code defines a through-truck as “any truck, truck trailer, or semi-trailer combination, except for a pickup truck or panel truck, which travels from one point to another and has no destinations along the road traveled.”

Mr. Randolph commented that 45 feet seems to be the appropriate length to establish.

Ms. Palmer noted that the truck with the forklift attached to the back used by Blue Ridge Builders Supply is a bit longer than 45 feet, and she is concerned about the impact on a local business. She said she lives off of Owensville Road, and when she has a delivery she makes them park the tractor-trailer at the Ivy intersection, and they transfer items to smaller trucks. She recognizes how difficult it can be to have a delivery of wood or construction material. She wondered what would be taken off the road with a 45-foot restriction, besides tractor-trailers, as dump trucks are under this.

Ms. Mallek said it seems like they would have to go to 50 feet if they are going to keep local business people operating, and she wondered if they need a combination of no tractor-trailers and single-unit vehicles above a certain length. Mr. McDermott remarked that they could cut out all tractor-trailers with a single-length of 50 feet and above.

Ms. Palmer added that if the Board set a length of 35 feet, they would only be taking off a portion of the dump trucks – and if they go under 35 feet, they would be taking off a lot of local traffic.

Mr. McDermott said that most two-axle dump trucks are 30 feet.

Mr. Dill remarked that it seems like it is the bigger trucks that get hung up and cannot make the turn, and a restriction of 50 feet would help considerably.

Ms. Palmer asked for confirmation that most trucks that get hung up are tractor-trailers. Mr. McDermott confirmed this and said the trucks that are not able to stay on the road are those with a wheelbase of 50 feet.

Ms. Mallek asked if this is bumper-to-bumper. Mr. McDermott clarified that this is the axle-to-axle wheelbase.

Ms. Palmer expressed surprise, as she thought they were referring to total length. She asked if the figures on lengths presented by Mr. McDermott are based on wheelbase. Mr. McDermott explained that the wheelbase is how they assess the turning radius and a single-unit truck with a 30-foot wheelbase would be approximately 35 feet bumper-to-bumper.

Ms. Palmer asked if the truck with the forklift on the back used by Blue Ridge Builders Supply has a total bumper-to-bumper length of just under 50 feet. Mr. Randolph remarked that a truck with a wheelbase of 50 would be permitted.

Mr. McDermott remarked that the total length of single-unit trucks never exceed 40 feet and these are separate from the tractor-trailers.

Ms. Mallek said she attended a hearing in Richmond on large trucks and learned that many overweight vehicles obtain a special permit and assume that if a business such as Blue Ridge Builders Supply need to deliver a very large item, they obtain a special permit. She asked if a permit option would still be available for special deliveries. Mr. McDermott replied that this would be his understanding.

Ms. Palmer asked Mr. Oder, owner of Blue Ridge Builders Supply, if he knows what the wheelbase of his flatbed truck was. Mr. Oder replied that from the center of the front axle hub to the center of the first tandem, it is 27 feet.

Ms. Palmer remarked that if they were to impose a 40-foot wheelbase restriction then Mr. Oder's truck would be fine. Mr. McDermott emphasized that these are total bumper-to-bumper lengths. He clarified that the wheelbase is what was assessed for the turning movement, but the restrictions are total length.

Ms. McKeel suggested that they go back and look at this issue and bring it back again.

Ms. Mallek asked for clarification. She said the turning radius in the picture represents the wheelbase, while for general restrictions they use bumper-to-bumper length. She said that 50 feet would cover tractor-trailers, and those with special considerations would have the opportunity to obtain special dispensation under DMV rules. Mr. McDermott confirmed all of this to be correct.

Mr. Dill remarked that this length would keep anyone from getting hung up, but it does not address a big dump truck from the quarry.

Ms. Palmer said the dump truck from the quarry is a really difficult one and the Board would have to cut out many local haulers if they went down this far. She said the Board does not have a good option here, but there is an option to make a start and she would request a truck restriction of 50 feet. She offered to make a motion unless Mr. David Benish had anything to add.

Mr. Gallaway asked for confirmation that if they were to impose a specific number, the item would have to come back. Mr. McDermott confirmed this; staff could bring a resolution back to the Board on its consent agenda.

Mr. Gallaway asked Officer Miller to come back to the podium. He remarked that if the Board imposes this restriction they would still have a safety issue as it would not take care of dump trucks. He asked Officer Miller what he would do if he were to witness a dump truck cross the center line, but it fell under the restrictions.

Officer Miller replied that it is easier with dump trucks, as most of them can navigate the area roads, though they may need to slow down to stay on their side of the road. He agreed that if they are to cross over the line, they could be charged. He said that a moving truck might not be able to stay completely on the road, and if the driver crosses over they are liable for any of their actions. He emphasized that there does not have to be contact to be a crash as a vehicle that is run off the road because another is on the wrong side of the road is considered to be a crash, even without contact. Officer Miller admitted that many of these are not reported if there is no damage. He added that he has followed logging trucks on Miller School Road. He noted that he is one of two commercial motor vehicle inspectors in the County and they will go out and work on the backroads to stop trucks and find violations, which also gives them the opportunity to educate the drivers and offer an alternate route. He emphasized that there has to be a little give and take for trucks that are hauling away lumber from a property, as well as for moving trucks.

Mr. Randolph asked Mr. McDermott to explain whether the photographs of various kinds of trucks that are currently displayed are axle-to-axle or wheelbase. Mr. McDermott responded that they are total, bumper-to-bumper length. He pointed out that a truck depicted in the lower right photograph would be considered a tractor-trailer and is similar to what local quarries use.

Mr. Randolph remarked that with a 50-foot restriction, the truck shown in the lower right photo would be permitted because it is 45 feet. Mr. McDermott responded "yes".

Ms. Mallek asked if it is better to prohibit tractor-trailers of any size.

Mr. Dill asked if they could restrict both vehicles above 50 feet and tractor-trailers. He asked if there are roads in the County besides Route 231 that has a through-truck restriction. Mr. McDermott offered to look into this.

Mr. Dill asked if there are roads other than Route 231 that have length restrictions. Officer Miller replied that Route 151, Critzer Shop Road, has a 65-foot length restriction. He said that full-size tractor-trailers average 53 feet, though trucks with a sleeper cab are generally 70–75 feet, and those with a super sleeper cab are 80 feet.

Mr. Dill remarked that the complaint in Keswick is that a 65-foot restriction does not eliminate very many trucks. Officer Miller remarked that they do stop a lot of trucks and enforce the restriction, though this affects mostly horse combination vehicles.

Ms. Palmer said that a tractor-trailer restriction is a little better than saying 50 feet. Mr. McDermott replied that from what he is hearing, a tractor-trailer restriction may be something that meets the needs the Board is seeking. He noted that most local haulers have single-unit vehicles that can be up over 40 feet, but if they go to 40 feet, there are trucks that look similar to those that the quarries use as dump trucks. He said these are tractor-trailers that are 40 feet, and some of these might be able to still operate if they set the length restriction at 40 feet.

Ms. Palmer remarked that if they were just to say "tractor-trailers," that would take away some of the dump trucks from the quarry. Mr. McDermott confirmed this. He pointed out that "No Through Tractor Trailers" is a restriction that is somewhat frequently used around the state, though in his research he was not able to find a single example of a 50-foot restriction but found restrictions for 45–60 feet.

Mr. Gallaway pointed out that if they just restricted tractor-trailers, they would still have a safety issue that a through-truck restriction is the wrong tool for. He speculated that an owner of a local business would be more mindful of the rules than someone driving through.

Ms. Palmer recalled that the discussion on truck restrictions in Earlsville focused on dump trucks coming from the quarry which were a constant presence on Earlsville Road. She said she used to travel this road on a daily basis and felt these trucks were going too fast, though a study indicated that there was not the level of speeding that they were feeling. Officer Miller explained that larger vehicles created a perception of speed.

Ms. Palmer recalled that they lowered the speed for dump trucks on Earlsville Road and asked Officer Miller to comment on the wisdom of that. Officer Miller replied that he almost never catches a dump truck or a large truck at an enforceable speed. He added that he is a licensed federal motor carrier inspector and can pull any commercial motor vehicle for any reason and inspect the vehicle. He said he knows from driving the Police Department's commercial motor vehicle that there is no margin for error on the roadways, as there are no shoulders. He said that speeding is generally not a huge problem, though there are a few motor vehicle trucks involved in speeding crashes every year and the occasional log truck that will roll on Red Hill Road or Route 20 South. He said they sometimes are traveling too fast or encounter a car that is traveling too fast and moves over and ends up in the ditch.

Ms. Palmer asked for Office Millers opinion on lowering the speed for trucks on Miller School Road as they did in Earlysville.

Ms. Mallek remarked that the speed is already 35 mph on most of the road until the straightaway.

Officer Miller replied that most of the tight curves are marked for 10 and 15.

Ms. Palmer noted that they are marked with recommended speeds that do not have to be followed.

Officer Miller emphasized that in some cases it is the speed of the car that is the problem and not the speed of the truck.

Mr. McDermott clarified that the speed limit on Miller School Road is 25 coming out of Batesville and then 35 through the entire section where they see all the curves, and then to 45 in the straightaway northern section.

Ms. Palmer asked Officer Miller if the trucks are going under the 45 mph speed limit on the straightaway section. Officer Miller replied that his experience is that they do within a tolerable range.

Ms. Mallek said it seems they are focusing on two issues and should keep it to one.

Ms. Palmer commented that the tractor-trailer restriction is the only reasonable approach, based on what the County has been hearing, though she knows it does not solve the issue in Batesville very well and she is not sure how to do this with the tools available.

Mr. Kamptner asked Mr. McDermott for assistance in crafting language that the Commonwealth Transportation Board and Commissioner would find acceptable. He noted that some changes to the language of the motion need to be made and offered to make them now or place them on the consent agenda for November 7.

Ms. Palmer said it was acceptable with her to give general direction.

Ms. Mallek suggested that they hold a vote and then Mr. Kamptner could amend the wording, which they could adopt at their next meeting.

Mr. Kamptner suggested that they obtain consensus without a formal motion and asked the Board if they agree that there should be a restriction on tractor-trailers.

Ms. Palmer expressed a willingness to ban tractor-trailers on Owensville and Miller School Roads.

Ms. Mallek and Mr. Dill agreed.

Mr. Randolph suggested that they ban tractor-trailers except for local deliveries, as this would get at dump trucks that come from out of the area and give the police the discretion to deal with dump trucks.

Ms. Palmer remarked that Mr. McDermott pointed out that because of the way the restrictions are done by the state, they have to be the local delivery for Miller School Road so if one uses Miller School Road to get to Batesville Store, that would be a through-truck, which is where they kept stumbling. She said she would love to do local deliveries only. Mr. McDermott replied that he learned from discussions with police officers, as well as from discussions on Routes 22 and 231, the language must be very specific for this to be enforceable – and the term “local” is difficult to define and to enforce by the police.

Ms. Palmer pointed out that if Blue Ridge Builders Supply were delivering to Craigsville Road, this would be considered as a through-traffic approach if they took Miller School Road.

Ms. Mallek remarked that the restriction on tractor-trailers is a start, and their next effort should be to get rid of the doubles that are on Earlysville Road three times a day every day.

Recognizing Board consensus Mr. Kamptner said he would place this on the November 7 consent agenda.

Ms. Mallek remarked that truck traffic on Earlysville Road has been reduced and she has heard fewer complaints. She said she attributed this to their concern of losing access altogether and they have found other routes or slowed down. She said she still hears daily complaints about the tandems.

Ms. Palmer pointed out that the quarry has stopped its work. Ms. Mallek responded that the quarry has been purchased but has not stopped. She said she thinks they found another route and possibly in a year they will have a direct connection to Berkmar Drive, which would be a great solution.

Ms. Palmer said they need to address the Route 29/I-64 Interchange.

Ms. Mallek pointed out that this is in design currently.

Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek announced that the Shenandoah/Waynesboro/Augusta meeting earlier that morning was great. They discussed joint projects between the east side of the mountain and the valley for rail and bicycle transportation, the tunnel in Crozet, bus feasibility, and others that will be coming back to the Board the following year.

Mr. Randolph said that Ms. Rita Krenz, a volunteer with the Scottsville Volunteer Rescue Squad, wrote a letter to the Board. She was not able to be present at this meeting, as she is attending a work-related training in Baltimore. He said the letter raises some issues of communication as she and other members of the Overlook Condominium community have attempted to communicate with Community Development staff. Mr. Randolph said their lawyer had pointed out two errors in the application, which staff acknowledged, and she felt blindsided when the Overlook application was part of the consent agenda and approved without anyone contacting her. He asked for Board agreement that they have Mr. Richardson look into this and determine the reason why the Overlook community did not receive a communication before this was finalized. He emphasized that Ms. Krenz is a volunteer and one of the people that makes this County great because of her commitment to public service.

Ms. Mallek commented that the process by which the County notifies neighbors need to be revisited, as there is an inequity, with some receiving great notice and others having none – and there has been other examples of this.

Ms. McKeel added that sometimes it is a notice to the Supervisor of record, and their procedures has to be perceived as fair.

Ms. Mallek agreed.

Mr. Gallaway expressed his thanks to the Fire Department for distributing the open burn notice to Supervisors, alerting them of a burn at Route 29 and Polo Grounds Road.

Ms. Mallek said she received notice earlier that day of a training burn in the Rio District.

Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 18. Closed Meeting *(if needed)*.

There was no need for an additional Closed Meeting.

Agenda Item No. 19. Adjourn to November 5, 2018, 3:00 p.m., Lane Auditorium.

At 8:36 p.m., Ms. Mallek adjourned until November 5, 2018 at 3:00 p.m., Lane Auditorium

Chairman

Approved by Board
Date 03/06/2019
Initials CKB