

ACTIONS
Board of Supervisors Meeting of March 11, 2015

March 13, 2015

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:02 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		Listen
2. Work Session: FY 2015/2016 Operating and Capital Budgets. <ul style="list-style-type: none"> Held. 		
2a. Closed Meeting. <ul style="list-style-type: none"> At 5:41 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (5) to discuss possible grant applications concerning two prospective businesses because there has been no previous announcement of the businesses' interest in locating in the County. 		Listen
Certify Closed Meeting. <ul style="list-style-type: none"> At 6:08 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
6:00 P.M. – Regular Night Meeting		
3. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 6:09 p.m., by the Chair, Ms. Dittmar. 		
6. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
7. Brief Announcements by Board Members. <p><u>Brad Sheffield:</u></p> <ul style="list-style-type: none"> Announced that he has added additional town hall meetings on March 23 and March 25, which will be posted on the County's website. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Urged residents to go to the County website to view the dates, times and location of the upcoming town halls that Supervisors will be hosting. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that Shenandoah National Park is hosting a youth art contest for Wild Flower Weekend through May. Announced that the Rivanna Conservation Society is hosting a World Water cleanup day at Free Bridge, Meadow Creek and the Rivanna Reservoir on March 21 from 10:00 a.m. to 1:00 p.m. Announced that the Rivanna Conservation Society will be hosting a Toads, Frogs and Critters of the Night Workshop on April 17 at the Scheier Natural Area in Palmyra. <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> Announced that Monticello High School has received the National School Board Association Magna Award. Announced that Albemarle Schools has received the MQ Award. 		Listen

<p>8. Recognitions:</p> <p>a. Proclamation recognizing Wednesday, March 18, 2015 through Sunday, March 22, 2015 as the <i>Twentieth Annual VIRGINIA FESTIVAL OF THE BOOK</i>.</p> <ul style="list-style-type: none"> • Chair read and presented proclamation to Jane Kulow, Virginia Festival of the Book Program Director. • By a vote of 6:0, ADOPTED proclamation. <p>b. Travis O. Morris, Senior Deputy Clerk.</p> <ul style="list-style-type: none"> • Mr. Boyd recognized and presented Travis Morris with certificate for years of service to the County. <p>c. Ella W. Jordan, Clerk</p> <ul style="list-style-type: none"> • Ms. Mallek recognized and presented Ella Jordan with certificate for years of service to the County. 	<p>(Attachment 1)</p>	<p>Listen</p>
<p>9. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>The following individuals spoke and asked the Board to increase bus service to U-heights apartments.</u> <ul style="list-style-type: none"> • Heidi Gordon • Fate Steers • Sheer Ali • Salma • Taher Barbari • Tom Olivier, President of ASAP, presented Supervisors with copies of the just-published book Overdevelopment, Overpopulation, Overshoot (OVER). • Steve Janes, resident of the Rivanna district spoke on the advertised tax rate. • Tom Loach, White Hall District Planning Commissioner, spoke on Community Advisory Councils voting rights. • Mike Marshall, Editor of the Crozet Gazette, spoke on Community Advisory Councils voting rights. • Neal Williamson, spoke on County Community Advisory Councils. 		<p>Listen</p>
<p>10.2 Jordan Development Corporation Lease Agreement for the Meadows Community Center.</p> <ul style="list-style-type: none"> • ADOPTED Resolution approving the Amended Agreement of Lease between the County and the Jordan Development Corporation and AUTHORIZED the County Executive to sign the Amended Agreement of Lease on behalf of the County. 	<p><u>Clerk</u>: Forward copy of signed resolution to County Attorney's office.</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement. (Attachment 2)</p>	
<p>10.3 Fiscal Year 2015 County of Albemarle & State Health Department Local Government Agreement.</p> <ul style="list-style-type: none"> • APPROVED the FY 15 County of Albemarle & State Health Department Local Government Agreement and AUTHORIZED the County Executive to execute that Agreement. 	<p><u>County Executive</u>: Proceed as directed.</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of agreement.</p>	<p>Listen</p>
<p>10.4 Final recommendations regarding Places29 Community Advisory Council.</p> <ul style="list-style-type: none"> • Pulled from consent agenda. 		
<p>10.5 SDP-2014-00013. Royal Orchard Land Corporation Tier II PWSF – Special Exception.</p>	<p><u>Clerk</u>: Forward copy of signed resolution with condition o</p>	

<ul style="list-style-type: none"> • ADOPTED Resolution to approve the special exception to disturb critical slopes for the installation of a PWSF subject to one condition: 	Community Development and County Attorney's office. (Attachment 3)	
<p>Consent agenda item #10.4. Final recommendations regarding Places29 Community Advisory Council.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED revisions to the Community Advisory Committee Fact Sheet – Places29 and to the Community Advisory Committee Rules of Procedure, and to proceed with the appointment of members to the three sub-committees that will establish the Places29 Master Plan Committee in its reconstituted form. 	<u>Clerk:</u> Advertise when ready. <u>Lee Catlin:</u> Proceed as directed. (Attachment 4)	Listen
11. <u>Pb. Hrg: PROJECT: SP-2014-00017. NTELOS "CV108" (Piney Mountain) Tier III Personal Wireless Service Facility (Signs #24&27).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving SP-2014-00017 Ntelos "CV108" (Piney Mountain) Tier III PWSF, with conditions. • By a vote of 6:0, ADOPTED resolution approving the special exceptions associated with SP-2014-00017 Ntelos "CV108" (Piney Mountain) Tier III PWSF. 	<u>Clerk:</u> Forward copy of signed resolutions with conditions to Community Development and County Attorney's office. (Attachment 5)	Listen
12. <u>Pb. Hrg: PROJECT: SP-2014-00018. Maxwell Boat Dock (Sign #1).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving the special use permit. 	<u>Clerk:</u> Forward copy of signed resolution with conditions to Community Development and County Attorney's office. (Attachment 6)	Listen
13. <u>Pb. Hrg: PROJECT: ZMA-2014-00004. Old Trail Village (Signs #5,&6&12).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance approving ZMA-2014-00004, Old Trail with amended Code of Development (inclusive of addendum). 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 7)	Listen
14. Evaluation of Solid Waste Alternatives Including a Transfer Station at the Ivy Materials Utilization Center (MUC). <ul style="list-style-type: none"> • Discussed. 	<u>County Executive:</u> Proceed as discussed.	Listen
15. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Jane Dittmar:</u> <ul style="list-style-type: none"> • Announced that she and Supervisors McKeel and Palmer would be attending a Supervisor's Certification training on Friday, March 13. • Made presentation on Broadband. 		Listen
16. From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • There were none. 		
Continuation of Work Session: FY 2015/2016 Operating and Capital Budgets. <ul style="list-style-type: none"> • Held. • Added an additional budget work session for April 7. • APPROVED, by a vote of 4:2 (Boyd/Dittmar) that the Board advertise for public hearing the Board's proposed FY 16 operating and capital budgets. 	<u>Clerk:</u> Advertise as directed.	Listen
17. Adjourn.		

• At 9:20 p.m., the meeting was adjourned.		
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ewj/tom

Attachment 1 – Virginia Festival of the Book Proclamation

Attachment 2 – Resolution - Jordan Development Corporation Lease Agreement for the Meadows Community Center

Attachment 3 – Resolution - SDP-2014-00013. Royal Orchard Land Corporation Tier II PWSF – Special Exception

Attachment 4 – Community Advisory Committee Fact Sheet and Rules of Procedure Revisions

Attachment 5 – Resolution - SP-2014-00017. NTELOS “CV108” (Piney Mountain) Tier III Personal Wireless Service Facility

Attachment 6 – Resolution - SP-2014-00018. Maxwell Boat Dock

Attachment 7 – Ordinance No. 15-A(1) - ZMA-2014-00004. Old Trail Village

VIRGINIA FESTIVAL OF THE BOOK

WHEREAS, *Albemarle County is committed to promoting reading, writing, and storytelling within and outside its borders; and*

WHEREAS, *our devotion to literacy and our support of literature has attracted thousands of readers to our **VIRGINIA FESTIVAL OF THE BOOK**, serving as an economically significant event for this area, while providing the majority of events free of charge; and*

WHEREAS, *businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the **VIRGINIA FESTIVAL OF THE BOOK**; and*

WHEREAS, *the citizens of the County of Albemarle and Virginia, and the world, have made the **VIRGINIA FESTIVAL OF THE BOOK** the best book festival in the country;*

NOW, THEREFORE, BE IT RESOLVED, THAT, I, Jane D. Dittmar, Chair, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim

**Wednesday, March 18, 2015 through Sunday, March 22, 2015
as the
Twentieth-First Annual**

VIRGINIA FESTIVAL OF THE BOOK

and encourage community members to participate fully in the wide range of available events and activities.

**RESOLUTION APPROVING THE FIRST AMENDED AGREEMENT OF LEASE
BETWEEN THE COUNTY OF ALBEMARLE AND THE JORDAN DEVELOPMENT CORPORATION FOR THE
CROZET MEADOWS COMMUNITY RECREATION BUILDING**

WHEREAS, the Jordan Development Corporation leases from the County of Albemarle approximately 2,305 square feet of space in a building located at 5735 Meadows Drive, Crozet, known as the Crozet Meadows Community Recreation Building; and

WHEREAS, the original Agreement of Lease for the Crozet Meadows Community Recreation Building was dated August 1, 2010; and

WHEREAS, the current lease term expires July 31, 2015; and

WHEREAS, the attached First Amended Agreement of Lease extends the lease of the Crozet Meadows Community Recreation Building through July 31, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign the First Amended Agreement of Lease between the County of Albemarle and the Jordan Development Corporation to extend the Crozet Meadows Community Recreation Building lease through July 31, 2020.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 14-13 ROYAL ORCHARD LAND CORPORATION TIER II PWSF**

WHEREAS, Royal Orchard Land Corporation (“Royal Orchard”) is the owner of those lands currently identified in the County’s tax records as Tax Map and Parcel Number 05300-00-00-00200 (the “Property”); and

WHEREAS, AT&T leases a portion of the Property and filed a request for a special exception in conjunction with SDP 2014-00013, Royal Orchard Land Corporation Tier PSWF, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County’s Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment C thereto, the plans entitled “Site Name CV479, Site Number CV479B” prepared by BC Architects Engineers and last revised on February 16, 2015, and all of the factors relevant to the special exception in Albemarle County Code § 18-4.2.5, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for AT&T’s installation of a proposed Tier II Personal Wireless Service Facility on the Property subject to the condition attached hereto.

* * *

SDP 2014-13, Royal Orchard Land Corporation Tier II PSWF Special Exception Condition

1. The area of land disturbance on critical slopes shall not exceed 9,653 square feet as shown on the attached plans (copy on file in Clerk’s office).

PLACES 29 COMMUNITY ADVISORY COMMITTEE FACT SHEET

General Community Advisory Committee Information

- Background:** Community residents, local government, the business community, and other organizations play a role in shaping a community. The Master Plans are created with substantial time and effort from all these groups collaboratively. To continue that collaboration and communication, the Plan calls for the appointment of a citizen group that will serve as one of the major vehicles by which the communities will remain engaged in the plan's implementation. The Committee can provide a venue for neighborhood meetings for development projects and for the Master Plan revision process.
- Charge:** The Advisory Committees will provide assistance, feedback and input to County staff and the Board of Supervisors on community and county efforts related to implementation and support of the adopted Master Plan, in accordance with established county procedures. Advisory Committee members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, business people, and representatives of community groups a chance to be engaged and to be heard in a constructive and meaningful way.
- The Committees will be a catalyst for helping foster a sense of community and work towards effective and efficient Master Plan implementation. Committees are a venue to discuss and provide comments on program and policy questions and/or proposals. Community Advisory Committees are an important venue for discussion and Committees can provide feedback and indicate preferences related to development proposals, although Committees do not have a legislative role in the development process.
- Timing:** The Advisory Committee should be formed immediately after the adoption of the Master Plan.
- Time Commitment:** All Committees will meet together as a group annually to focus on issues of common interest to development area communities and individual committees will meet several more times during the year as needed based on master plan implementation activity.
- Liaison Role:** The role of the liaison is distinct from the appointed members. Liaisons should report back to their Board or Commission at their regular meetings with a synopsis of the Committee's meetings/activities, as appropriate. Liaisons may also identify agenda topics-in order to receive feedback from the Committee on a pertinent topic or project. Liaisons should provide information or context during discussions as requested, but should allow appointed Committee members to lead and fully engage in conversations so they can fulfill their advisory role.
- Responsibilities:**
1. Serve as liaisons by: 1) contributing to public understanding of and encouraging support for Master Plan implementation; 2) keeping the community informed of the needs, purposes, and progress of Master Plan implementation; 3) encouraging interest and participation in community and county efforts related to the Master Plan and participation in public meetings; and 4) enhancing collaboration among all community stakeholders.
 2. Gather input from constituencies represented and bring these issues to the attention of staff and the Committee, and distribute information from the Committee back to constituents.
 3. Stimulate creative thinking in examining implementation issues and identify ways of using community resources to meet implementation needs and challenges.
 4. Provide advisory input, comments, and information to the Board of Supervisors on new and emerging policies, projects, and programs as requested.

5. Maintain a forward-looking agenda with respect to adopted Master Plans and policies of the Board of Supervisors. Committee meetings are not the appropriate venue to oppose adopted policy.
6. Commit to support and work to implement the adopted Master Plan.
7. Work with Staff to provide an annual report of activities to the Board of Supervisors-in accordance with the Board of Supervisors' adopted Rules of Procedure for Boards and Commissions.

Principles:

To assist with meeting facilitation thereby ensuring that all members' voices are heard and viewpoints considered, all Committee members will:

- ❖ Familiarize themselves with the Vision and Implementation Plan of the Master Plan and work in coordination with County staff to provide input on Master Plan implementation.
- ❖ Act on the basis of information and understanding and in support of the projects, policies, and programs outlined in the Master Plan.
- ❖ Focus their efforts strategically to achieve the greatest possible contributions.
- ❖ Strive to achieve a consensus on actions/recommendations that are important to Master Plan implementation.
- ❖ Comment as a council constructively and with appropriate suggestions and offers of help.
- ❖ Work toward benefiting Master Plan implementation rather than special needs or interests
- ❖ Accept responsibility for the success of the Advisory Committee by contributing appropriate time and energy.

Places29 Community Advisory Committee Information

Structure:

The Places29 Community Advisory Committee will be comprised of three sub- Committees, Places29-North, Places29-Hydraulic, and Places29-Rio. Places29-North will focus on the Piney Mountain and Hollymead Neighborhoods. Places29-Hydraulic will focus on the neighborhoods and businesses between Hydraulic Road and Rio Road in the Places29 Master Plan area. Places29-Rio will focus on the neighborhoods and businesses between Rio Road and the Rivanna River in the Places29 Master Plan area.

Membership:

The Board of Supervisors shall appoint eleven members to each of the three sub-Committees (Places29-North, Places29-Hydraulic, and Places29-Rio). Each member shall be a resident of or business owner in Albemarle County. For all representatives, the member's home or business shall be located within their appointed sub-Committee's geographic area. An individual may not serve on more than one sub-Committee. Each sub-Committee shall have members along the following representations:

Representation	P29 North	P29 Hydraulic	P29 Rio
Large Neighborhood	2	2	2
Small Neighborhood	1	2	2
Development Community	1	1	1
Business Community	2	2	2
School Community – staff, school board, PTO parent member	1	1	1
Office/R&D/Flex/Light Industrial or Heavy Industrial	2	1	1
Urban Mixed Use	1	1	1
Other – RSWA, RWSA, CHO Board, non-profit or community group with a focus on open space, water resources, transit, etc.	1	1	1

Liaisons:

Each sub-Committee will have one Board of Supervisor liaison and one Planning Commission liaison. Liaisons will be appointed based on magisterial districts within the Master Plan boundaries for the sub-Committees. For Places29 North, the BOS Liaison will

be appointed from the Rivanna District and the Planning Commission liaison will be appointed from either the Rivanna District or the At-Large member. For Places29-Hydraulic, the BOS Liaison will be appointed from the Jouett District and the Planning Commission liaison will be appointed from either the Jouett District or the At-Large member. For Places29-Rio, the BOS Liaison will be appointed from the Rio District and the Planning Commission liaison will be appointed from either the Rio District or the At-Large member.

Joint Meetings: The Places29 sub-Committees will meet jointly two times each year to discuss Master Plan topics across the planning area.

Length of Term: Members will be appointed for either a 2 or 3 year term to stagger the transition of new members on and off the council. After initial appointments, terms will be for 2 years. While Members will be generally expected to serve no more than 2 terms, additional terms may be considered if desired and if the Board of Supervisors deems appropriate.

NOTE: Each committee member will receive the following, some of which will be distributed prior to the first meeting and some of which will be developed during the first committee meetings with the committee:

1. Copy of the Master Plan
2. Copy of the Information for Advisory Committee Members
3. Copy of Advisory Committee Procedures
4. Advisory Committee Members List
5. Advisory Committee Meeting Schedule

CC: Lee Catlin
David Benish

*Also see Albemarle County Community Advisory Committee Rules of Procedure (Revised March 2015).

**ALBEMARLE COUNTY COMMUNITY ADVISORY COMMITTEE
RULES OF PROCEDURE**

Background: The Advisory Committees will provide assistance, feedback and input to County staff and the Board of Supervisors on community and county efforts related to implementation and support of the adopted Master Plan, in accordance with established county procedures. Advisory Committee members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, business people, and representatives of community groups a chance to be engaged and to be heard in a constructive and meaningful way.

Committees are a venue to discuss and provide comments on program and policy questions and/or proposals. Community Advisory Committees are an important venue for discussion and Committees can provide feedback and indicate preferences related to development proposals, although Committees do not have a legislative role in the development process.

1. Officers

- A. Chairman. At its annual meeting, the Committee shall elect a Chairman who, if present, shall preside at the meeting and at all other meetings during the year for which elected.
- B. Vice-Chairman. At its annual meeting, the Committee shall elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability.
- C. Secretary. At its annual meeting, the Committee shall elect a Secretary, who, if present, shall record the proceedings of the meeting.
- D. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one additional term. Chairs and vice-chairs may not serve more than two consecutive terms. The Secretary shall be elected for a one-year term; but may be re-elected for one or more additional terms.
- E. Absence of Chairman and Vice-Chairman. If the Chairman and Vice-Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

2. Meetings

- A. Annual Meeting. The first meeting following the annual appointment of new members shall be known as the annual meeting. At the annual meeting, the Committee shall establish the day, time, and place for regular meetings of the Committee for that year, and shall elect the chairman, vice-chairman, and secretary.
 - For Places29, the annual appointment of new members occurs in January.*
 - For Crozet, the annual appointment of new members occurs in April.*
 - For Village of Rivanna, the annual appointment of new members occurs in April.*
 - For Pantops, the annual appointment of new members occurs in July.*
- B. Regular Meetings. The Committee shall meet in regular session at the time and place and on the day or days established for regular meetings. The Committee may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Committee members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. This finding shall be communicated to the members of the Committee and to the press as promptly as possible.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Committee is complete.

- C. Attendance. Two unreported absences from regular meetings within a 12-month period shall be considered grounds for dismissal from the Committee. Staff will work with the Committee's Secretary to ensure adherence to the attendance policy.
- D. Orientation. Staff will schedule a required orientation session for all new members within 4 weeks of their appointment to the Committee.

3. Order of Business

- A. Establishment of Agenda. The agenda for each regular meeting shall be established by staff in consultation with the Chairman. Staff will maintain a calendar of agenda topics to align with County priorities and projects in the Master Plan area for assistance in formulating the agenda. Staff and the Chair will approve the agenda before it is circulated to the Committee.
- B. Organization of the Agenda. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chairman and with the consensus of the other members of the Committee:
 - (1) Call to order
 - (2) Announcements
 - (3) Scheduled presentations
 - (4) Discussion Items
 - (5) Community Updates
 - (6) Other business
 - (7) Adjourn
- C. Deferrals. The Committee may defer any matter at the request of a member of the Committee or County staff. The request may be either oral or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefore. A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely.

4. Quorum

A simple majority of the appointed members of the Committee shall constitute a quorum for any meeting of the Committee. If, during a meeting, less than a majority of the members of the Committee remains present, no action can be taken except to adjourn the meeting. If, prior to adjournment, a quorum is again established, the meeting shall continue.

5. Voting Procedures

- A. When to Vote. While the Advisory Committees are not required to take votes of approval or disapproval on specific development proposals, voting is a tool that the Committee may use to express the position of the Committee on an application, program or policy question under consideration by the Board of Supervisors or Planning Commission.
- B. Approval of Motion by Majority. Except for a decision on a motion of the previous question, each decision of the Committee shall be made by approval of a majority of the members present and voting on a motion properly made by a member and properly seconded by another member. Any motion that is not seconded shall not be further considered.
- C. Manner of Vote. The vote on a motion pertaining may be either by roll call vote or voice vote, in the discretion of the Chairman; provided that a roll call vote on such a motion shall be required if requested by a member of the Committee. For each roll call vote, staff shall record the name of each member voting and how the member voted on the motion. For each voice vote, staff shall record the result of the vote.

- D. Tie Vote. A tie vote shall defeat the motion voted upon.
- E. Abstention. If any member abstains from voting on any motion, he shall state his abstention. The abstention shall be announced by the Chairman and recorded by staff.
- F. Motion to Amend. A motion to amend a motion before the Committee shall be discussed and voted by the Committee before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Committee for its consideration. If the motion to amend is not approved, the original motion is again before the Committee for its consideration.

6. Amendment of Rules of Procedure

These Rules of Procedure may be amended by a majority vote of the Committee at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

7. Suspension of Rules of Procedure

These Rules of Procedure may be suspended by the majority vote of the members of the Committee present and voting. The motion to suspend a rule may be made by any member of the Committee. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Committee; provided, however, approval of a motion to suspend the rule shall not permit the Committee to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

8. Rules of Procedure not Covered by These Rules of Procedure

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

**RESOLUTION TO APPROVE
SP 2014-17 NTELOS "CV108" (PINEY MOUNTAIN) TIER III PWSF**

WHEREAS, Crown Communications Inc. is the owner of Tax Map and Parcel Number 02100-00-00-010A1 (the "Property") and of the Tier III Personal Wireless Services Facility (the "PWSF") located thereon; and

WHEREAS, Virginia PCS Alliance, L.C., d/b/a NTELOS, who leases space on the PWSF, filed an application for a special use permit to replace six existing panel antennas on a single array on the PWSF, and the application is identified as Special Use Permit 2014-17 NTELOS "CV108" (Piney Mountain) Tier III PWSF ("SP 2014-17"); and

WHEREAS, on January 27, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-17 with the conditions recommended by County staff and directed the applicant to hold a community meeting for the project before the item was presented to the Board of Supervisors for its consideration; and

WHEREAS, the community meeting was held on February 19, 2015, and non-substantive changes were subsequently made to the plan as set forth in the Board of Supervisors March 11, 2015 Executive Summary, and the changes to the plan did not warrant any changes to the conditions recommended by the Planning Commission; and

WHEREAS, on March 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-17.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2014-17 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(48) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2014-17, subject to the conditions attached hereto.

* * *

SP-2014-00017 NTELOS "CV108" (Piney Mountain) Tier III PWSF Conditions

1. The development of the site, and any modifications to the uppermost array at elevation 146', shall be in general accord with the plan titled "Piney Mountain CV108" prepared by Christopher D. Morin, and dated 12/31/14 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan (copy on file in the Clerk's office):

- a. Mounting type and distance
- b. Antenna type and size
- c. Number of antennae
- d. Color
- e. Location of ground equipment

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

2. The tower shall not be increased in height.

3. The lowest array of panel antennas may be attached only as follows:

- a. All equipment attached to the tower shall be painted to match the color of the tower. The cables extending from the ground equipment may remain black;
- b. The antennas shall not exceed seven (7) feet in height and two (2) feet in width;

- c. No antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the facility, structure or building.
 - d. The antennas and dishes attached to this tower may be replaced without amending this special use permit, provided that the sizing, mounting distances and heights of the replacement equipment are in compliance with these conditions of approval and in accordance with all applicable regulations set forth in Section 5.1.40 of the Zoning Ordinance.
4. The tower shall be limited to a total of four (4) vertical arrays of panel antennas. No additional relay, satellite or microwave dish antennas shall be permitted on the tower.

**RESOLUTION TO APPROVE
SP 2014-18 MAXWELL BOAT DOCK**

WHEREAS, Robin W. Maxwell (the "Owner") is the owner of Tax Map and Parcel Numbers 04500-00-00-00400 and 04500-00-00-004A0 (the "Property"); and

WHEREAS, J. T. Maxwell, the Owner's husband and acting for himself and as the Owner's agent, filed an application for a special use permit to establish a private floating dock on the South Fork Rivanna Reservoir, and the application is identified as Special Use Permit 2014-00018 Maxwell Board Dock ("SP 2014-18"); and

WHEREAS, the City of Charlottesville co-signed the application as the owner of the South Fork Rivanna Reservoir parcel onto which the dock would extend; and

WHEREAS, on January 12, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-18 with the conditions recommended by County staff; and

WHEREAS, on March 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-18.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2014-18 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2014-18, subject to the conditions attached hereto.

* * *

SP-2014-00018 Maxwell Boat Dock Conditions

1. There shall be no outdoor luminaire installed or maintained within twenty-five (25) horizontal feet of the Reservoir, measured from the elevation of normal pool, which is Elevation 382 (above sea level, based on North American Vertical Datum of 1988, expressed in feet).
2. There shall be no plant removal, other than dead, diseased, or noxious vegetation, or earth disturbance, within the two hundred (200)-foot stream buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 391 (above sea level, based on North American Vertical Datum of 1988, expressed in feet).
3. Structures and improvements located in the two hundred (200)-foot stream buffer shall be limited to those shown on the Maxwell Dock Plan, dated 10/21/2014, and a storage rack for kayaks and canoes. There shall be no other structures, such as decking or stairs, constructed in the two hundred (200)-foot stream buffer.

ORDINANCE NO. 15-A(1)
ZMA 2014-00004 OLD TRAIL VILLAGE – CARRIAGE HOUSES

**AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX MAP AND PARCEL NUMBERS
055E0-01-00-000A1, 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4 AND 055E0-01-00-000A5**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1, 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4 and 055E0-01-00-000A5, collectively, “the Property”, is identified as ZMA 2014-00004, Old Trail Village – Carriage Houses (“ZMA 2014-00004”); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the proffers, a code of development, and a general development plan (the “Application Plan”), all of which were adopted on September 15, 2005 in conjunction with ZMA 2004-024; and

WHEREAS, the Property was subsequently amended by ZMA 2008-05 on November 12, 2008, which amended the code of development and the proffers; and

WHEREAS, a number of variations to the code of development have been approved since 2005; and

WHEREAS, ZMA 2014-00004 proposes to amend the proffers and the code of development applicable to the Property in order to include carriage houses as an allowable use; and

WHEREAS, on January 13, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2014-00004, provided that technical revisions were made to the proffers, and such revisions have since been made.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2014-00004 and their attachments, including the proffers revised after the Planning Commission public hearing, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2014-00004 with the proffers dated February 9, 2015, and the code of development, which is hereby amended to include the “Old Trail Village Addendum to Code of Development, Carriage Houses,” dated November 17, 2014, and the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1, 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4 AND 055E0-01-00-000A5 are amended accordingly.

BE IT FURTHER ORDAINED that the Application Plan, not amended by this zoning map amendment, shall remain in full force and effect.