

**ACTIONS**  
**Board of Supervisors Meeting of May 6, 2015**

May 11, 2015

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.</li> </ul>		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, the Board <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced that Tom von Hemert, Coordinator of the Thomas Jefferson Area Crisis Intervention Team, has been named as the recipient of the 2015 Clarence Earl Gideon Award, which will be presented on Tuesday, May 12, 2015, 4:00 p.m., in the Charlottesville Circuit Court courtroom.</li> <li>The Rivanna Water and Sewer Authority will be opening the new valve on the Moorman's River on May 7<sup>th</sup> which will allow instream flow to increase from one million to two million gallons per day.</li> <li>This weekend is the 35<sup>th</sup> Annual Crozet Arts and Crafts Festival.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Commented that the reason for the Moorman's River release is because the levels at the new Ragged Mountain Dam have reached a certain level that requires the release.</li> <li>On June 4, 2015, 6:30 p.m. to 8:30 p.m., the Long Range Solid Waste Committee will host an open house for the public and any interested persons who would like to give input.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>Provided an update on her recent attendance at a Pre-K summit at the Jefferson School.</li> <li>Provided an update on her recent attendance at a Habit for Humanity summit.</li> <li>Attended the TomTom Festival which continues to build and be an asset to the community.</li> <li>She and Ms. Palmer will provide an update on their recent attendance with the Chamber leadership regarding the Business Assistance Plan.</li> <li>She and Ms. Palmer are working with a smaller group with a focus on broadband.</li> </ul>		<a href="#">Listen</a>
<p>6. Proclamations and Recognitions:</p> <p>a. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for FY14.</p> <ul style="list-style-type: none"> <li>Ms. Renee Hoover recognized Betty Burrell and the Finance Department.</li> </ul> <p>b. Proclamation recognizing Jefferson Area Board</p>	(Attachment 1)	<a href="#">Listen</a>

<p>for Aging (JABA) on its 40th anniversary.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the proclamation and presented to Marta Keane.</li> </ul> <p>c. Proclamation recognizing May 3 through May 9, 2015 as Municipal Clerks Week.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, the proclamation and presented to Ella Jordan and Travis Morris.</li> </ul>	(Attachment 2)	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Paula Brown-Steadly</u>, a resident of the Rivanna District, spoke about paving Route 784, Doctors Crossing, as a rural rustic road, and requested that the Board reduce the speed limit to 25 mph.</li> <li>• <u>Ronnie Hahn</u>, a resident of Route 736, White Mountain Road, requested that the Board keep the road on the list for paving.</li> <li>• <u>Patrick Poehailos and Ashlyn Norris</u>, students at Monticello High School, presented their CAP project regarding construction at the Ivy transfer station.</li> <li>• <u>Roger Voisinet</u>, a resident of the Scottsville District, asked the Board to consider lowering the personal property tax rate on alternative energy vehicles.</li> <li>• <u>Jeff Werner</u>, on behalf of the Historic Preservation Committee, presented two proposed draft revisions to the Comp Plan.</li> <li>• <u>John Martin</u>, a resident of Free Union, spoke about the Moorman's River.</li> <li>• <u>Neil Williamson</u>, Free Enterprise Forum, expressed concerns with proposed revisions to the Comp Plan regarding Historic Preservation.</li> </ul>		<a href="#">Listen</a>
<p>8.2 FY 2015 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> appropriations #2015092, #2015093, #2015094, #2015095, #2015096, #2015097, and #2015098 for general government and school division programs and projects.</li> </ul>	Clerk: Notify OMB, Finance and appropriate individuals.	
<p>8.3 Resolution to accept road(s) in Dunlora Gates Subdivision into the State Secondary System of Highways. (Rio District).</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward signed copy of resolution to Glenn Brooks and County Attorney's office. (Attachment 3)	<a href="#">Listen</a>
<p>8.4 Resolution to accept road(s) in People Place Subdivision into the State Secondary System of Highways. (Rivanna District).</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward signed copy of resolution to Glenn Brooks and County Attorney's office. (Attachment 4)	
<p>8.5 ZMA-2012-00002. Variation from Riverside Village Application Plan and Code of Development.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution approving the special exception to vary the Riverside Village Application Plan and Code of Development.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)	
<p>8.6 Northside Branch Library Lease.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution approving the lease with JMRL for the new Northside branch library and <b>AUTHORIZED</b> the County Executive to execute the lease.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to General Services and County Attorney's office. (Attachment 6)	

	Consent Agenda item #8.1 – July 2, 2014 minutes. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>APPROVED</b> minutes.</li> </ul>		<a href="#">Listen</a>
9.	Leasing of County Property in Crozet (Crozet Library, Old Crozet Depot). <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>SET</b> public hearings on June 3, 2015 for the proposed leases with Staengl Engineering LLC and Crozet Artisan Depot LLC; and <b>DIRECTED</b> staff to bring a Resolution approving the lease with the CACVB back to the Board for adoption on June 3, 2015.</li> </ul>	<u>Clerk:</u> Advertise public hearings.  <u>Lee Catlin/George Shadman:</u> Proceed as directed.	<a href="#">Listen</a>
10.	Adoption of the FY 16 Operating and Capital Budget. <ul style="list-style-type: none"> <li>By a vote of 5:1 (Boyd), <b>ADOPTED</b> the FY 16 Budget Resolution approving the FY 16 Operating and Capital Budget as recommended by the County Executive and amended by the Board of Supervisors.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to OMB, Finance and County Attorney's office. (Attachment 7)	<a href="#">Listen</a>
11.	ZTA-2014-3. Neighborhood Model Setbacks and Yards. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>SET</b> public hearing on proposed zoning text amendment for June 3, 2015.</li> </ul>	<u>Clerk:</u> Advertise public hearing.	<a href="#">Listen</a>
	<b>Recess.</b> Board recessed at 3:20 p.m., and reconvened at 3:35 p.m.		
12.	County's Secondary Road Improvement Priorities/VDOT Secondary Six-Year Plan (SSYP) and County Recommendations for Projects in Six Year Improvement Program (SYIP). <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> <li><b>SCHEDULED</b> public hearing for June 10, 2015.</li> </ul>	<u>Clerk:</u> Advertise public hearing.	<a href="#">Listen</a>
12a.	Presentation from Thomas Jefferson Planning District Commission (TJPDC) on House Bill 2 (HB2). <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
13.	Route 29 Solutions Update. <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
14.	Closed Meeting. <ul style="list-style-type: none"> <li>At 4:30 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 zoning and infrastructure issues related to a prospective business because there has been no previous announcement of the business's interest in locating in the County; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill.</li> </ul>		<a href="#">Listen</a>
15.	Certified Closed Meeting. <ul style="list-style-type: none"> <li>At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
16.	From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <li><u>Lonnie Murray</u>, spoke on land use and the fairness in taxation.</li> </ul>		<a href="#">Listen</a>
17.	<b>Pb Hrg:</b> Stagnant Water Ordinance. <ul style="list-style-type: none"> <li>By a vote of 4:2 (Sheffield/Dittmar), <b>ADOPTED</b> ordinance.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County	<a href="#">Listen</a>

		Attorney's office. (Attachment 8)	
18.	<p><b>Pb. Hrg:</b> ZTA-2015-00004. Phase I Route 29 Solutions Business Package (Temporary Signs).</p> <ul style="list-style-type: none"> <li>By a vote of 5:0:1 (Boyd, present), <b>ADOPTED</b> zoning ordinance amendment.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)</p>	<a href="#">Listen</a>
19.	<p><b>Pb. Hrg:</b> PROJECT: CPA-2014-00002 Colonial Auto Center Expansion.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution approving CPA-2014-00002.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)</p>	
20.	<p><b>Pb. Hrg:</b> PROJECT: ZMA-2014-00008. CMA Properties, Inc.</p> <ul style="list-style-type: none"> <li>By a vote of 5:1 (McKeel), <b>ADOPTED</b> ordinance approving ZMA2014-08 CMA Properties.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)</p>	<a href="#">Listen</a>
21.	<p><b>Pb. Hrg:</b> PROJECT: SP-2015-000005. CMA Properties - Outdoor Storage &amp; Display.</p> <ul style="list-style-type: none"> <li>By a vote of 4:2(McKeel/Palmer), <b>ADOPTED</b> resolution approving the SP201500005 CMA Properties Outdoor Storage and Display.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)</p>	
22.	<p><b>Pb. Hrg:</b> PROJECT: SP-2015-000006. CMA Properties – Stand Alone Parking.</p> <ul style="list-style-type: none"> <li>By a vote of 5:1 (McKeel), <b>ADOPTED</b> resolution approving SP201500006 CMA Properties Stand Alone Parking.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)</p>	
23.	<p>City of Charlottesville Request for a Gas Line Easement on Parcel 91-2E and the adjacent Founders Place public right-of-way.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve the proposed easement and to authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and form by the County Attorney.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to OFD and County Attorney's office. (Attachment 14)</p>	<a href="#">Listen</a>
24.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ol style="list-style-type: none"> <li>Proposed Comp Plan revisions from Historic Preservation Committee.</li> <li>Update of Business Leadership Meeting.</li> </ol> <ul style="list-style-type: none"> <li>Discussed proposed revision to the Comp Plan that requested by the Historic Preservation Committee.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>Provided update on the Business Leadership meeting with the Chamber of Commerce and the North 29 Business Council.</li> <li>Announced that she and Supervisor Palmer would be holding a community meeting at Monticello High School on May 19 to fulfill an aspect of a grant application that the County was invited to make related to broadband.</li> <li>Reported that she attend the second class for Supervisor Certification for governance.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Referencing comments made earlier by Mr. Lonnie Murray, suggested that the Board schedule a discussion on the County's land</li> </ul>		<a href="#">Listen</a>

	<p>use program.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Requested that the Board think about how the County might support the urban ring and issues of blighted properties.</li> </ul>	
25.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> <li>Announced that there would be a work session on the CIP on May 13.</li> <li>Announced that staff has scheduled work sessions in June on the Fire Rescue Services Fund, real estate assessments and the Land Use Assessment Program.</li> </ul>	
26.	<p>Adjourn to May 13, 2015, 3:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> <li>The meeting was adjourned at 8:16 p.m.</li> </ul>	

ewj/tom

- Attachment 1 – Proclamation recognizing Jefferson Area Board for Aging (JABA) on its 40<sup>th</sup> anniversary
- Attachment 2 – Proclamation recognizing Municipal Clerks Week
- Attachment 3 – Resolution to accept road(s) in Dunlora Gates Subdivision into the State Secondary System of Highways
- Attachment 4 – Resolution to accept road(s) in People Place Subdivision into the State Secondary System of Highways
- Attachment 5 – Resolution to Approve Special Exception for ZMA 2012-00002, Riverside Village
- Attachment 6 – Resolution to Approve a Lease Agreement for the Northside Branch Library at 705 Rio Road West, Charlottesville, Virginia
- Attachment 7 – FY 2016 Budget Resolution
- Attachment 8 – Ordinance Noi. 15-18(3)
- Attachment 9 – Ordinance No. 15-7(1)
- Attachment 10 – Resolution to Approve CPA 2014-00002
- Attachment 11 – Ordinance No. 15-A(2) ZMA 2014-00008 CMA Properties
- Attachment 12 – Resolution to Approve SP 2015-05 CMA Properties Outdoor Storage and Display
- Attachment 13 – Resolution to Approve SP 2015-06 CMA Properties Stand Alone Parking
- Attachment 14 – Resolution Approving Deed of Easement between the County of Albemarle and the City of Charlottesville

**Jefferson Area Board for Aging (JABA)  
40th Anniversary**

- Whereas,** the Jefferson Area Board for Aging (JABA) has, for 40 years, served the people of the County of Albemarle by being a tireless advocate for healthy aging in community; and
- Whereas,** JABA has provided services that include an extensive information and assistance and options counseling network, socialization and nutrition at community centers, adult daycare services, health insurance counseling, health services, home delivered meals, ombudsmen, and volunteer recruitment and coordination; and
- Whereas,** JABA had the vision to develop accessible and affordable senior housing, including Park View, Woods Edge, Ryan School Apartments and Timberlake Place; and
- Whereas,** JABA recognized the importance of intergenerational programming at their Adult Care Centers co-located with preschools and joint programming at its community senior centers; and
- Whereas,** JABA has been recognized by numerous local, state and national organizations for their innovative work and achievements on behalf of the elderly and people of all generations;
- Now, Therefore, Be It Resolved** that I, Jane Dittmar, Chair on behalf of the Albemarle County Board of Supervisors takes great pride and pleasure in recognizing and expressing profound gratitude to JABA for their vision, leadership and exemplary record of service on the occasion of their 40th anniversary, and extends to JABA sincere best wishes for continued success.

**Municipal Clerks Week  
May 3-9, 2015**

**Whereas,** the Municipal Clerk is a time honored and vital part of local government that exists throughout the world and serves as an information center on functions of local government and community; and

**Whereas,** the Municipal Clerk is the oldest among public servants and provides a professional link between the citizens and local governing bodies and agencies of government at all levels; and

**Whereas,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**Whereas,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and

**Whereas,** it is most appropriate that we recognize the accomplishments of the Municipal Clerk;

**Now, Therefore, Be It Resolved** that, we, the Albemarle County Board of Supervisors, do recognize

**May 3 – 9, 2015 as Municipal Clerks Week**

and further extend appreciation to Ella W. Jordan, CMC (Certified Municipal Clerk) Clerk, and Travis O. Morris, Senior Deputy Clerk, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of May 2015, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Gates Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 6, 2015**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Dunlora Gates**, as described on the attached Additions Form AM-4.3 dated **May 6, 2015**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

The road(s) described on Additions Form AM-4.3 is:

- 1) **Townbrook Court (State Route 1714)** from Route 1713 (Townbrook Crossing) to 0.54 miles south of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4204, page 370, for a length of 0.05 miles.
- 2) **Townbrook Crossing (State Route 1713)** extended from end of State maintenance 0.38 miles east, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4204, page 370, for a length of 0.04 miles.
- 3) **Townbrook Crossing (State Route 1713)** extended from end of State maintenance 0.47 miles south, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4204, page 370, for a length of 0.05 miles.

Total Mileage – 0.14



The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of May 2015, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **People Place Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 6, 2015**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **People Place**, as described on the attached Additions Form AM-4.3 dated **May 6, 2015**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

The road(s) described on Additions Form AM-4.3 is:

- 1) **Spotnap Road (State Route 1299)** from Route 1298 (People Place) to 0.12 miles south, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3835, pages 540-546, 299-304, 729 and 734; and Deed Book 4538, pages 307, 316 and 319, for a length of 0.01 miles.
- 2) **People Place (State Route 1298)** from Route 250 (Richmond Road) to 0.14 miles south, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3835, pages 540-546, 299-304, 729 and 734; and Deed Book 4538, page 307, for a length of 0.14 miles.

Total Mileage – 0.15

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR ZMA 2012-00002, RIVERSIDE VILLAGE**

**WHEREAS**, Riverside Village Properties Inc. (“Riverside Village”) is the owner of Tax Map and Parcel Number 07800-00-00-05800 (the “Property”); and

**WHEREAS**, Riverside Village filed a request for a special exception in conjunction with SUB 2014-00138, Riverside Village, to vary the Application Plan and the Code of Development approved in conjunction with ZMA 2012-00002, Riverside Village, to exempt porches and dormers from the minimum roof pitch requirement in Section VIII, Architectural Standards, on page 6 of the Applicant’s revised Application Plan and Code of Development dated May 12, 2012 and last revised January 6, 2015.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff’s supporting analysis included in the executive summary, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.8, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan and the Code of Development approved in conjunction with ZMA 2012-00002, Riverside Village, as described hereinabove.

**RESOLUTION TO APPROVE A LEASE AGREEMENT  
FOR THE NORTHSIDE BRANCH LIBRARY  
AT 705 RIO ROAD WEST, CHARLOTTESVILLE, VIRGINIA**

**WHEREAS**, the County of Albemarle (the "County") owns Parcel 61-120K, located at 705 Rio Road West, Charlottesville Virginia (the "Property"); and

**WHEREAS**, the County has constructed a facility on the Property to be partially leased to the Jefferson-Madison Regional Library (JMRL) for use as a library facility; and

**WHEREAS**, the Lease Agreement between the County and JMRL sets forth the terms of the Lease of the property.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the Lease Agreement between the County and JMRL and authorizes the County Executive to sign the Agreement once it is approved as to content and form by the County Attorney.

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LEASE AGREEMENT – NORTHSIDE BRANCH LIBRARY

THIS LEASE AGREEMENT is made as of April 27, 2015 by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County") and the JEFFERSON-MADISON REGIONAL LIBRARY (hereinafter, the "Library").

ARTICLE I. PREMISES AND IMPROVEMENTS

Section 1.1. In consideration of and subject to the covenants herein set forth and pursuant to Section 7 of the Agreement for Jefferson-Madison Regional Library, to which the County is a party, the County hereby leases to the Library the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Premises"). The Premises shall be provided for use by the Library and be funded as a Charlottesville-Albemarle cost.

ARTICLE II. TITLE: QUIET ENJOYMENT

Section 2.1. So long as the Library is not in default hereunder, the Library shall have peaceful and quiet enjoyment, use and possession of the Premises without hindrance on the part of the County or anyone claiming by, through, or under the County.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease shall commence upon the issuance of the Certificate of Occupancy for the Premises (the "Date of Commencement") and shall expire June 30, 2020, unless sooner terminated or extended as hereinafter provided. The foregoing notwithstanding, after June 30, 2016, either party may terminate this Lease upon one-hundred eighty (180) days advance written notice to the other party. All references to the "term" of this Lease shall, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. Subsequent to the initial term, this Lease shall be renewed automatically for subsequent one-year terms, to coincide with the County's July 1-June 30 fiscal year, unless and until terminated in accordance with Section 3.3 below.

Section 3.3. Termination. This Lease and the Library's occupancy of the Premises may be terminated by either party upon one-hundred eighty (180) days advance written notice to the other party. In no event shall termination of this Lease alone be construed as a withdrawal from a regional library system pursuant to *Virginia Code* § 42.1-42.

ARTICLE IV. RENT

Section 4.1. Monthly Rent. Commencing upon the Date of Commencement, during the initial term of this Lease, the Library agrees to pay to the County monthly rent of \$55,337.86, on the first day of each month during the term hereof. Each month, the County shall send an invoice for rent to the address indicated in Section 9.1 for Library Notices. However, the failure of the County to send an invoice or of the Library to receive an invoice shall not relieve the Library of any liability for rent due.

After the initial term of this Lease, the rent for subsequent years of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Date of Commencement occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is two months before the initial Date of Commencement. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, the County shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Section 4.2. Address for Rent Payment. All payments of rent due the County pursuant to Section 4.1 shall be made to the County at the address specified in Section 9.1, or to such other party or at such other address as hereinafter may be designated by the County by written notice delivered to the Library at least ten (10) days prior to the next ensuing monthly rental payment date.

ARTICLE V. UTILITIES AND SERVICES

Section 5.1. The following items and services shall be provided and maintained at a level reasonably necessary for the proper use and enjoyment of the Premises, pursuant to the table below. The County shall provide all items and services identified below as "County" at no direct cost to the Library, at a reasonable level of service determined by the County. The Library shall independently arrange and provide for all items and services identified below as "Library." Except as otherwise provided in the current Agreement for Jefferson-Madison Regional Library, all Library-provided items and/or services shall be "local costs" thereunder.

Service/Expense		
	County Provided	Library Provided
Telephone		L
Custodial Services	C	
Furniture & Appliances		L
Routine repairs to non-mechanical systems (i.e. work orders)	C	
IT Services		L
Solid Waste Services	C	
Electric, Water, Sewer, Gas	C	
Parking Lot Lights, Fixtures	C	
Parking Lot & Sidewalk Repairs	C	
Preventive Maintenance to all Mechanical Systems	C	
Cyclical Maintenance, (i.e. exterior window cleaning, annual carpet cleaning, wall painting)	C	
Snow & Ice control	C	

<b>Landscaping</b>	C	
<b>Facility Assessment</b>	C	
<b>Capital Improvements</b>	C	
<b>Elevators</b>	C	
<b>Alarms</b>	C	
<b>Sprinkler Systems</b>	C	

ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. The Library shall have use of the Premises for a public library.

Section 6.2. Good Repair. The Library shall keep in good repair and shall take good care of the Premises and fixtures therein located and, at the expiration or earlier termination or cancellation of this Lease, shall surrender the Premises and fixtures in as good condition as at the time of delivery, subject to reasonable wear and tear. In the event of the County's withdrawal from the Agreement for Jefferson-Madison Regional Library, disposition of personal property not affixed to the Premises shall be in accordance with Section 10 of said Agreement. Any failure to keep the Premises in good repair shall be considered a default of this Lease and shall be grounds for termination thereof.

Section 6.3. Parking. The Library shall be entitled to non-exclusive use of parking spaces in the County parking lot adjacent to the Northside Branch and access between said parking lot and the leased Premises.

Section 6.4. Elevator. The County shall retain access to the interior elevator, as necessary to maintain an accessible route between the adjacent parking lot and the Lower Level of the building beneath the leased Premises. Such elevator access shall not unreasonably interfere with the Library's operations.

ARTICLE VII. ALTERATIONS, IMPROVEMENTS, AND FIXTURES

Section 7.1. The Library may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Premises, provided that the County's consent shall have first been obtained in writing, and provided that the Library shall obtain all required governmental permits for such alterations, additions or improvements.

Section 7.2. The Library may, from time to time, make interior structural alterations, additions or improvements, only with the County's prior written consent to plans and specifications therefor. Any such interior structural alterations, additions or improvements shall become the County's property.

ARTICLE VIII. INSURANCE

Section 8.1. The County shall, during the term of this Lease, maintain in force general public liability insurance and property insurance on the Property in an amount equivalent to coverage for its other public buildings and facilities or such greater amounts deemed necessary, and shall name the Library as an additional named insured. The Library shall maintain in force an insurance policy providing contents coverage for all Library materials, fixtures, and equipment in such amounts as shall be adequate to insure replacement coverage for such items.

ARTICLE IX. MISCELLANEOUS

Section 9.1. Notices. Any notice, demand, request or other instrument which may be, or are required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- (a) if to the County, at
  - County of Albemarle
  - Attn: County Executive
  - County Executive's Office
  - 401 McIntire Road
  - Charlottesville, Virginia 22902
- or at such other address as the County may designate by written notice;

(b) if to the Library, at  
Jefferson-Madison Regional Library  
Attn: Regional Library Director  
201 East Market Street  
Charlottesville, Virginia 22902  
or at such other address as the Library shall designate by written notice.

Section 9.2. Annual Appropriations. The County's obligations under this Lease are subject to annual appropriations by the Board of Supervisors of Albemarle County, Virginia.

**IN WITNESS WHEREOF**, the parties hereto have executed this instrument as of the day and year first above written.

**JEFFERSON-MADISON REGIONAL LIBRARY**

By: \_\_\_\_\_  
Print Name: John Halliday  
Title: Regional Library Director

This Lease is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
Print Name: Thomas C. Foley  
Title: County Executive

EXHIBIT A

DESCRIPTION OF PREMISES

All that certain space containing approximately 33,990 square feet, more or less, of finished space shown as "Mezzanine Level – White Area, 2,030 Square Feet", "Library Level, 29,460 Square Feet," and "Lower Level / Warehouse, Library White Area – 2,500 Square Feet," together with approximately 2,752 square feet, more or less, of space shown as "Lower Level / Warehouse, Common Area – Orange, 2,752 Square Feet," all of which are outlined and shown on that certain plan of HBM Architects titled "Albemarle County Northside Library," dated August 19, 2014. Said Premises are a portion of Albemarle County Parcel 06100-00-00-120K0, located at 705 Rio Road West, Charlottesville, Virginia.

**FY 2016  
BUDGET RESOLUTION**

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

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2015 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors.
- 2) That the budget for the County for the Fiscal Year beginning July 1, 2015 is summarized as follows:

**General Government - General Fund**

Administration	12,677,023
Judicial	4,831,206
Public Safety	38,102,222
General Services	4,926,599
Health & Welfare (including PVCC)	20,109,830
Parks, Recreation, and Culture	7,449,994
Community Development	7,305,236
Nondepartmental	153,794,053
<b>Total General Fund</b>	<b>249,196,163</b>

Less Transfers to Other Funds	<b>(152,751,077)</b>
<b>Net General Government - General Fund</b>	<b>96,445,086</b>

**School Division - School Fund**

School Fund	166,677,977
Less Transfer to Other Funds	<b>(3,769,753)</b>
<b>Net School Division - School Fund</b>	<b>162,908,224</b>

**School Division - Special Revenue Funds**

School Special Revenue Funds	16,192,692
Less Transfer to Other Funds	<b>(400,000)</b>
<b>Net School Division - Special Revenue Funds</b>	<b>15,792,692</b>

**General Government - Other Funds**

Computer Maintenance and Replacement Fund	280,763
Commonwealth's Attorney Commission Fund	60,000
Victim Witness Grant Fund	124,558
Crime Analysis Grant Fund	68,074
Regional Firearms Training Center - Operations Fund	118,432
Fire Rescue Services Fund	14,583,537
Criminal Justice Grant Fund	731,081
Water Resources Fund	1,584,494
Facilities Development Fund	1,032,549
Courthouse Maintenance Fund	35,700
Old Crozet School Fund	83,763
Vehicle Replacement Fund	1,120,254
Bright Stars Fund	1,384,612
Comprehensive Services Act Fund	10,141,584

**General Government - Other Funds (Cont.)**

Martha Jefferson Health Grant Fund	5,000
Darden Towe Park Fund	273,153
Tourism Fund	1,828,780
Proffers Funds	750,035
Metro Planning Grant Fund	11,801
Economic Development Authority Fund	80,000
Housing Assistance Fund	3,440,000
<b>Total General Government - Other Funds</b>	<b>37,738,170</b>

Less Transfer to Other Funds	(4,505,827)
<b>Net General Government - Other Funds</b>	<b>33,232,343</b>

**Capital Projects Funds**

General Government CIP Fund	30,061,168
Firearms Range CIP Fund	57,916
Fire Rescue Services CIP Fund	6,804,450
Water Resources CIP Fund	230,662
School Projects CIP Fund	10,900,354
<b>Total Capital Projects Funds</b>	<b>48,054,550</b>

Less Transfer to Other Funds	(821,408)
<b>Net Capital Projects Funds</b>	<b>47,233,142</b>

**Debt Service Funds**

General Government Debt Service Fund	5,740,730
School Division Debt Service Fund	13,005,321
<b>Total Debt Service Funds</b>	<b>18,746,051</b>

**TOTAL COUNTY BUDGET** **374,357,538**

3) That the budget for the County for the Fiscal Year beginning July 1, 2015 as described in 1) and 2) above is approved.



**ORDINANCE NO. 15-18(3)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending:**

- Sec. 4.15.2 Definitions  
 Sec. 4.15.4A Signs authorized by temporary sign permit  
 Sec. 4.15.7 Prohibited signs and sign characteristics  
 Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness

**Chapter 18. Zoning****Article II. Basic Regulations****Sec. 4.15.2 Definitions**

The following definitions shall apply in the interpretation and implementation of this section 4.15:

...

(51) *Temporary sign.* The term “temporary sign” means a sign that is displayed at an establishment or on a lot for only a limited period of time authorized in section 4.15.4A. (Amended 3-16-05)

...

(12-10-80; 7-8-92, § 4.15.03; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14)

**State law reference** – Va. Code § 15.2-2280.

**Sec. 4.15.4A Signs authorized by temporary sign permit**

A permit shall be required for each temporary sign (hereinafter, a “temporary sign permit”), prior to its erection, alteration, replacement or relocation, as provided herein:

- a. *Application.* An application for a temporary sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to section 35.1, and comply with the application requirements of subsection 4.15.4(a).
- b. *Application review and permit issuance.* A temporary sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
  1. *Action on application.* Within seven (7) days after receipt of a complete application, the zoning administrator shall either: (i) approve the application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by section 4.15.4(a)(3). An application shall be denied only if the proposed temporary sign is a prohibited sign or does not comply with the regulations set forth in this section 4.15. If the application is denied, the reasons shall be specified in writing.
  2. *Failure to timely act.* If the zoning administrator fails to take one of the actions described herein within seven (7) days after receipt of a complete sign application for a temporary sign, the permit shall be deemed approved as received.
- c. *Administration.* The following regulations shall apply to the administration of temporary sign permits:

1. *Number of permits.* No more than six (6) temporary sign permits shall be issued by the zoning administrator to the same establishment, or lot not containing an establishment, in any calendar year, provided that a temporary sign erected to replace a permanent sign as provided in subsection (c)(2)(b) shall not count toward this limit.
2. *Period of validity.* Each temporary sign permit shall be valid for the following periods:
  - (a) *Generally.* Except as provided in subsection (c)(2)(b), for a period not to exceed fifteen (15) consecutive days after the erection of the sign, provided that a temporary sign permit issued while a permanent sign is being made may be valid for longer than fifteen (15) days until the permanent sign is erected.
  - (b) *Within limits of VDOT construction project during construction; where existing permanent sign removed.* For the period between the date the sign is erected, which shall be on or after the date the Virginia Department of Transportation ("VDOT") issues a notice to proceed for a VDOT construction project, until the date of project construction completion as evidenced by the date that VDOT issues a form C-5 or makes an equivalent written determination, or until a permanent sign to replace the removed permanent sign is installed at the establishment or on the lot, whichever occurs first, provided that: (1) the temporary sign is erected to replace a permanent sign on a lot abutting a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; and (2) the permanent sign was required by VDOT to be removed in conjunction with the construction project,
3. *Aggregate duration for temporary signs in calendar year.* Temporary signs shall not be erected at an establishment for more than sixty (60) days, in the aggregate, in a calendar year, provided that this limit shall not apply to a temporary sign erected to replace a permanent sign as provided in subsection (c)(2)(b).
4. *Portable signs; stabilization.* A temporary sign that is a portable sign shall be stabilized so as not to pose a danger to public safety. Prior to the sign being erected, the zoning administrator shall approve the method of stabilization.
- d. *Exemptions.* A temporary sign permit is not required for a sign exempt from the sign permit requirement under section 4.15.6 or nonconforming signs subject to section 4.15.24.

(Ord. 12-18(2), 3-14-12)

#### **Sec. 4.15.7 Prohibited signs and sign characteristics**

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all zoning districts:

...

- c. *Certain sign types.* Signs that are:
  1. Animated signs, including signs using rare gas illumination, that give the appearance of animation. (Amended 3-16-05)
  2. Advertising vehicles, where (i) the vehicle is parked so as to be visible from a public right-of-way in a parking space or parking area not authorized by section 4.15.6(21); (ii) the vehicle is an inoperable vehicle; or (iii) the vehicle is incapable of moving on its own or is not self-propelled. (Amended 3-16-05)
  3. Banners, except as an authorized temporary sign under section 4.15.4 A. (Amended 3-16-05)
  4. Billboards.
  5. Flashing signs.

6. Moving signs, including signs using rare gas illumination, that give the appearance of movement, but not including flags that meet the requirements of sections 4.15.6(18) or 4.15.6(19). (Amended 3-16-05)
7. Roof signs.

(12-10-80; 7-8-92, § 4.15.06; Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 13-18(6), 11-13-13, effective 1-1-14)

**State law reference** – Va. Code § 15.2-2280.

### **III. District Regulations**

#### **Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness**

The following development is exempt from the requirements of section 30.6:

- a. Primary and accessory dwelling units if no site plan is required by this chapter.
- b. Structures for agricultural or forestal uses if no site plan is required by this chapter.
- c. Temporary construction headquarters (section 5.1.18(a)), temporary construction yards (section 5.1.18(b)), and temporary mobile homes (section 5.7).
- d. Agricultural product signs, political signs, public signs, sandwich board signs, temporary signs, window signs and signs exempt from the sign permit requirement under section 4.15.6.
- e. The repair and maintenance of structures and site improvements where there is no substantial change in design or materials.
- f. The repair and maintenance of nonconforming structures or site improvements as authorized by section 6.3(B).
- g. Additions or modifications to structures or site improvements where there is no substantial change in design or materials.
- h. Additions or modifications to structures to the extent necessary to comply with the minimum requirements of the Americans with Disabilities Act, the Fair Housing Act, or any other similar federal or state law providing for the reasonable accommodation of persons with disabilities.
- i. Additions or modifications to nonconforming structures as authorized by sections 6.3(A)(3) and 6.3(A)(5).
- j. Interior alterations to structures where there is no change in the exterior appearance of the structures.
- k. Issuance of permits classified in sections 5-202, 5-203, 5-204 and 5-208(A) if a building permit has also been issued and the work authorized by the permit classified in those sections does not change the external appearance of the structure.
- l. If a sign for which a certificate of appropriateness was previously issued was thereafter required by the Virginia Department of Transportation (“VDOT”) to be removed in conjunction with a VDOT construction project, the erection of the same sign, or a new sign composed of new materials; provided that the same sign or the new sign: (1) complies with the previously issued certificate of appropriateness, including all of its conditions; and (2) any condition pertaining to the specific location of the sign need not be complied with if locating the sign in the previously approved location is not reasonably practicable but it will be located where it otherwise complies with the condition to the extent practicable, as determined by the zoning administrator.

(§ 30.6.6, 10-3-90; § 30.6.6.1, 10-3-90; § 30.6.6.2, 10-3-90, 6-14-00; § 30.6.6.3, 5-18-94; § 30.6.5; Ord. 10-18(5), 5-12-10; Ord. 12-18(2), 3-14-12)

ORDINANCE NO. 15-7(1)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 7, Health and Safety, is hereby amended and reordained as follows:

**By Amending:**

**ARTICLE V. UNCONTROLLED VEGETATION**

- Sec. 7-501**     **Definitions**
- Sec. 7-503**     **Exemptions**

**By Adding:**

- DIVISION 1.**     **UNCONTROLLED VEGETATION**
- DIVISION 2.**     **STAGNANT WATER**
- Sec. 7-505**     **Definitions**
- Sec. 7-506**     **Removal of stagnant water**

**By Amending and Renumbering:**

- Sec. 7-505**     **Lien against property**                     **to Sec. 7-507**     **Lien against property**
- Sec. 7-506**     **Civil penalty**                                     **to Sec. 7-508**     **Civil penalty**

**By Renumbering:**

- Sec. 7-507**     **Criminal penalty**                             **to Sec. 7-509**     **Criminal penalty**

**CHAPTER 7**

**HEALTH AND SAFETY**

**ARTICLE V. NUISANCES**

**DIVISION 1. UNCONTROLLED VEGETATION**

**Sec. 7-501. Definitions.**

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) *Developed.* The term “developed” means any real property where improvements have been made to change it from its natural state.
- (2) *Improvements.* The term “improvements” means permanent changes or additions to real property that enhance its value or utility or adapt it for new or further purposes.
- (3) *Natural landscaping.* The term “natural landscaping” means a managed area specifically set aside by a land owner for conservation purposes, using native plants, which aims to blend residential or commercial property into the natural surroundings. Natural landscaping shall:
  - (i) not encroach within a minimum of five (5) feet from any developed areas, roads, or buildings;
  - (ii) include a plan to identify and manage native plant material as well as a plan to manage and eliminate noxious weeds; and
  - (iii) include and maintain at least eighty percent (80%) native plants (by area coverage).
- (4) *Owner.* The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

(5) *Undeveloped*. The term “undeveloped” means any real property that remains unimproved.

(6) *Vacant*. The term “vacant” means any real property, with or without improvements, that is not occupied.

(Ord. 09-7(2), 9-2-09)

**Sec. 7-502. Grass, weeds, brush and other uncontrolled vegetation.**

A. Except as provided in section 7-503, no owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height where such vegetation is located:

(i) on any vacant developed property, or

(ii) on that portion of any undeveloped property that is within seventy-five (75) feet of any public right-of-way or developed property under separate ownership.

B. Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a lawful manner that eliminates any potential fire hazard.

**State law reference**--Va. Code § 15.2-901(A)(3).

(Ord. 09-7(2), 9-2-09)

**Sec. 7-503. Exemptions.**

Notwithstanding section 7-502, this division shall not have any force and effect within

- a) the corporate limits of the Town of Scottsville;
- b) the Monticello Historic District;
- c) the Rural Areas District;
- d) areas used for pastures, under cultivation, forested, or subject to utility transmission easements;
- e) areas where the vegetative growth is regulated under state or federal laws or programs;
- f) any stream buffer required by County ordinance or protected under permanent conservation easement;
- g) areas under an approved plan of natural landscaping;
- h) property designated through an approved zoning or subdivision plat as open space, green space, conservation or preservation area and that is intended to remain in its natural state;
- i) public park lands; or
- j) stormwater management facilities such as detention ponds.

(Ord. 09-7(2), 9-2-09)

**Sec. 7-504. Enforcement.**

A. Whenever the County Executive or his designee has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and shall be complied with by the owner.

B. If such grass, weeds, brush or other uncontrolled vegetation is not cut within the required time, the County Executive or his designee may cause them to be cut and the costs and expenses thereof, including an administrative handling charge of one hundred dollars (\$100.00), shall be billed to the property owner, and if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The County Executive or his designee shall certify the costs and expenses to the Director of Finance of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the Director of Finance shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office.

## DIVISION 2. STAGNANT WATER

### Sec. 7-505. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Container*. The term “container” means any man-made vessel which has the capability of retaining more than one inch of water, including, but not limited to, buckets, pails, tires, gutters, tarpaulins, and portable and/or storable swimming pools. As used in this division, the term “container” shall not include rain barrels or any depression, whether natural or man-made, in the surface of the ground.

(2) *Hot Tub*. The term “hot tub” means any man made container designed to hold water in which one or more persons bathe or soak, and shall include spas and whirlpools.

(3) *Stagnant Water*. The term “stagnant water” means any accumulation of water, one inch of depth or more, in any swimming pool, hot tub, or container, which is not fully enclosed in a building, house or other structure and which is neither moving by artificial or natural means, nor chemically treated nor filtered so as to prevent the growth of mosquito larvae.

(4) *Swimming Pool*. The term “swimming pool” means any container or tank, whether constructed in ground or placed above ground, designed for one or more persons to swim.

### Sec. 7-506. Removal of stagnant water.

Stagnant water in swimming pools, hot tubs, and other containers on private property are a public nuisance that endangers the health or safety of other residents of the County. It shall be unlawful for any owner or occupant of any lot in the county to allow any stagnant water to remain or accumulate in any swimming pool, hot tub, or any other container thereon. After having given reasonable notice to the owner or occupant of such lot to remove such stagnant water, the County Executive or his designee may remove such stagnant water. The cost of such removal shall be billed to the property owner, and if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The County Executive or his designee shall certify the costs and expenses to the Director of Finance of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the Director of Finance shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office.

**State law reference**--Va. Code § 15.2-901(A).

## DIVISION 3. PENALTIES

### Sec. 7-5057. Lien Against Property.

Every charge authorized by this article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

**State law reference**--Va. Code § 15.2-901(B).

### Sec. 7-5068. Civil Penalty.

Violations of this article shall be subject to a civil penalty of fifty dollars (\$50) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be two hundred dollars (\$200). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000) in a twelve (12) month period.

**State law reference**--Va. Code § 15.2-901(C).

(Ord. 09-7(2), 9-2-09)

**Sec. 7-5079. Criminal Penalty.**

In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, such violations shall be a Class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

**State law reference**--Va. Code § 15.2-901(D).

(Ord. 09-7(2), 9-2-09)

**RESOLUTION TO APPROVE CPA 2014-00002**

**WHEREAS**, CMA Properties, Inc. is the owner of Tax Map and Parcel Number 04500-00-00-17300 (the "Property"); and

**WHEREAS**, the land use designation of the Property in the Comprehensive Plan is Urban Density Residential, which allows residential uses at 6 to 12 units per acre and supporting uses; and

**WHEREAS**, CPA 2014-00002 proposes to amend the land use designation of the Property to Office/Research & Development/Flex/Light Industrial, which allows commercial, professional office, research and development, design, testing of prototypes, manufacturing, assembly, and packaging; and

**WHEREAS**, on April 14, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of CPA 2014-00002.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for CPA 2014-00002 and all of its attachments, the information presented at the public hearing, and for the purposes articulated in Virginia Code § 15.2-2223(A), the Albemarle County Board of Supervisors hereby approves CPA 2014-00002, and the land use designation of the Property and the applicable map in the Comprehensive Plan are amended accordingly.



**ORDINANCE NO. 15-A(2)  
ZMA 2014-00008 CMA PROPERTIES**

**AN ORDINANCE TO AMEND THE ZONING MAP  
FOR TAX MAP AND PARCEL NUMBER 04500-00-00-17300**

**WHEREAS**, the application to amend the zoning map for Tax Map and Parcel Number 04500-00-00-17300 (the "Property") is identified as ZMA 2014-00008, CMA Properties ("ZMA 2014-00008"); and

**WHEREAS**, the Property is zoned R-6 Residential; and

**WHEREAS**, ZMA 2014-00008 proposes to rezone the Property to HC Highway Commercial with proffers; and

**WHEREAS**, on March 17, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2014-00008, 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 2014-00008 and its 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 2014-00008 with the proffers dated April 20, 2015, and the zoning map for Tax Map and Parcel Number 04500-00-00-17300 is amended accordingly.

**RESOLUTION TO APPROVE  
SP 2015-05 CMA PROPERTIES OUTDOOR STORAGE AND DISPLAY**

**WHEREAS**, CMA Properties, Inc. (the "Owner") is the owner of Tax Map and Parcel Number 04500-00-00-17300 (the "Property"); and

**WHEREAS**, the Property is within the Entrance Corridor Overlay District and County Code § 18-30.6.3(a)(2)(b) requires a special use permit for "outdoor storage, display and/or sales serving or associated with a permitted use"; and

**WHEREAS**, in conjunction with ZMA 2014-00008, which would rezone the Property from R-6 Residential to HC Highway Commercial, the Owner filed an application for a special use permit to establish outdoor storage and display on the Property, and the application is identified as Special Use Permit 2015-00005 CMA Properties Outdoor Storage and Display ("SP 2015-05"); and

**WHEREAS**, on March 17, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-05 with the conditions recommended by staff; and

**WHEREAS**, on May 6, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-05.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2015-05 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 2015-05, subject to the conditions attached hereto.

### **SP-2015-00005 CMA Properties Outdoor Storage and Display**

1. Vehicles being stored or displayed shall not be elevated anywhere on site.
2. Vehicles shall be displayed only in areas indicated as “inventory” on the plan entitled “CMA Properties Highway Commercial Concept Plan” by Collins Engineering with revision date of 4-15-2015 (the “Concept Plan”). Inventory storage within the EC Overlay District shall be only in designated striped parking spaces, as identified on the Concept Plan.
3. The maximum light levels for any part of the site within the EC Overlay District used for outdoor storage and display shall not exceed 30 footcandles.
4. The ARB may require landscaping that is in excess of its design guidelines, Albemarle County Code § 18-32.7.9, or both, in order to mitigate the visual impacts of the proposed use on the Entrance Corridor.
5. The trees shown on the Concept Plan along the southern perimeter of the site shall be installed either prior to or in conjunction with the final site plan on which the stormwater management facility shown on the Concept Plan is required to be constructed.

**RESOLUTION TO APPROVE  
SP 2015-06 CMA PROPERTIES STAND ALONE PARKING**

**WHEREAS**, CMA Properties, Inc. (the "Owner") is the owner of Tax Map and Parcel Number 04500-00-00-17300 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to establish stand alone parking on the Property, and the application is identified as Special Use Permit 2015-00006 CMA Properties Stand Alone Parking ("SP 2015-06") in conjunction with ZMA 2014-00008 which would rezone the Property from R-6 Residential to HC Highway Commercial; and

**WHEREAS**, on March 17, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-06 without any conditions; and

**WHEREAS**, on May 6, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-06.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2015-06 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 2015-06.

**RESOLUTION APPROVING DEED OF EASEMENT BETWEEN  
THE COUNTY OF ALBEMARLE AND THE CITY OF CHARLOTTESVILLE**

**WHEREAS**, the County of Albemarle owns Parcel 09100-00-00-002E0 and the Founders Place public right-of-way adjacent thereto; and

**WHEREAS**, an easement is necessary for the City of Charlottesville to extend natural gas service along Founders Place.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of a gas line easement to the City of Charlottesville, and authorizes the County Executive to sign, in a form approved by the County Attorney, a Deed of Easement with the City of Charlottesville for an easement on Parcel 09100-00-00-002E0 and the adjacent Founders Place right-of-way in order to provide natural gas service.