An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 14, 2015, at 3:00 p.m., in Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from October 7, 2015. The regular night meeting was held at 6:00 p.m., in the Lane Auditorium, County Office Building.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 3:00 p.m. by the Chair, Ms. Dittmar.

Agenda Item No. 2. Joint Meeting with School Board.

SCHOOL BOARD MEMBERS PRESENT: Ms. Kate Acuff, Mr. Jason Buyaki, Mr. Ned Gallaway (arrived at 3:29 p.m.), Mr. Stephen Koleszar, Ms. Pamela Moynihan and Mr. John Stokes.

ABSENT: Ms. Barbara Massie Mouly.

SCHOOL STAFF PRESENT: Dr. Pam Moran, Superintendent; Dr. Matt Haas, Assistant Superintendent for Organizational and Human Resource Leadership; Mr. Dean Tistadt, Chief Operating Officer; Mr. John Blair, Senior Assistant County Attorney; and Ms. Jennifer Johnston, Clerk of the School Board.

Item No. 2a. Total Compensation:
1. Compensation/Compression.
2. Healthcare/Disability Program.

The executive summary as presented by staff states that the School Board and Board of Supervisors (the "Boards") approved a Total Compensation Strategy in 2000 to target employee salaries at 100% of an adopted market median and benefits slightly above market levels. See Attachment 1 for a list of the localities included in the adopted market. Since that time, the Boards have continued to recognize the importance of providing competitive salaries and benefits to attract and retain a high quality workforce. To that end, the County's total compensation has been designed and is continually adapted to meet these objectives in an ever-changing labor market. This Executive Summary outlines staffs' findings based on its annual compensation analysis. It is provided for the Boards' consideration as the Boards provide feedback to the County Executive and Superintendent for the upcoming FY 17 budget process. It is noted that all funding for the final recommendations is subject to available revenues and final approval by the Boards. The benefit programs are a significant component of Total Compensation in terms of cost and employee satisfaction and well-being. Staff is providing information regarding plan changes to the Medical Insurance programs, as well as modifications to the leave and disability insurance programs to meet market, financial, operational and regulatory requirements.

1) Compensation Strategies

The adopted strategy for total compensation is detailed in Attachment 2. In October 2014, the projected salary increase to meet the Boards' adopted strategy was an average overall pay increase of 3.0% in FY 16 (2.3%, with an additional .7% for performance differentials). The salary increases projected to meet the Boards' compensation strategy, set out in Attachment 2, is for the Boards' consideration in the development of the FY 17 budget. As detailed in Attachment 2, the County's FY 16 pay increase of 3.00% results in meeting the County's market target for classified and administrative employees. However, the problem of salary compression among existing employees is creating morale and hiring challenges. HR has retained Titan-Gallagher, an experienced compensation and human resources consulting firm, to assist in developing solutions for pay compression. A summary of the study is included as Attachment 4.

2) Benefits Strategies

Medical and Dental: The Health Care Executive Committee (HCEC) is comprised of representative staff from several departments in the School Division and Local Government, as well as members from other affiliated organizations who participate in the County's health and dental plans. The HCEC develops recommendations for the County's medical and dental plans to present to the Boards. Rather than continuing to offer two traditional plans that are not significantly different in terms of cost-sharing (employee premiums/out of pocket expenses), the HCEC is recommending that we offer one traditional plan (resembling the current "Basic" plan) and one High Deductible Health Plan (HDHP) with a qualified Health Savings Account (HSA) for 2016-2017. The HCEC believes that this recommendation, in addition to more appropriately pricing the traditional plan to more accurately reflect enrollment and utilization, is the best course of action in order to ensure the sustainability of the strategic medical reserves and the continued ability to offer excellent, affordable medical insurance options to employees. A comprehensive report regarding this information and recommendations regarding plan design is included as Attachment 3.

Leave: Effective January 1, 2014, VRS mandated a new "Hybrid Plan" for new employees which, among other things, does not offer the option of disability retirement. Instead, Hybrid Plan members will receive mandated employer-paid short-term and long-term disability coverage. These mandated benefits create inconsistencies between the County's and School Board's current leave programs and leave benefits that must be provided to Hybrid Plan members. Staff has assessed how best to administer benefits to all employees, regardless of which VRS plan may apply. A comprehensive report regarding this information and options reviewed is included as Attachment 3.

This information is presented to the Boards for consideration in their preparation of the FY 17 budget. Budget impact information related to FY 17 medical insurance plan changes is included in Attachment 3 and information related to addressing compression issues is included in Attachment 4. Additional information on the budget impacts related to FY 17 salary increases and implementing one leave program will be presented to the Board on October 14. It is again noted that all final funding is subject to available revenues and final approval by the Boards.

The purpose of the joint work session of the Board of Supervisors and School Board is to consider various options regarding market salaries, compression and benefits based on staff research and analysis. While staff will not be providing recommendations at this time, staff will be seeking guidance from the boards as to the preference, timing and priority of options presented to address compensation and benefit challenges.

Specifically, staff will ask the boards for feedback as follows:

1. Based on the adopted Total Compensation Strategy, whether to establish a budget target providing a 2.7 % salary increase for classified staff, administered through our pay for performance program (2.0 % with .7 performance differential), and a 2.7 % increase to fund teacher salary increases to maintain the top quartile position. The budget implications associated with this increase for classified and teacher salaries will be presented at the work session.
2. Whether to address compression by implementing one of the recommendations outlined in the "Compensation Compression Analysis" report prepared by our consultants. Staff will review the four options at the work session. The budget impact for these options to address both schools and local government range from $446,000 to $1,472,000 depending on the option selected.
3. Whether the medical insurance plan should be changed effective October 1, 2016 to:
   a. Implement reallocated health insurance rates to more accurately reflect usage and address the federal "Cadillac" tax;
   b. Offer one traditional plan (rather than two) and one High Deductible Health Plan (HDHP) with a qualified Health Savings Account (HSA).

   Staff will overview the proposed plan modifications and options, including the expected impact to employees and our health insurance fund, during the work session.
4. Whether to implement one leave program for all benefits-eligible employees, to include employer-paid short-term and long-term, disability benefits for all benefits-eligible employees. During the work session, staff will provide staffing implications associated with maintaining two disability/leave programs, as we do now, as compared to one plan for all current and new employees. The estimated net budget impact to implement one disability/leave policy for both schools and local government is $350,000 after savings associated with substitute costs.

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

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Ms. Lorna Gerome, Director of Human Resources, addressed the Boards and stated the word "challenge" had come to mind in her preparation for this meeting, with challenges related to compression and its impacts on classified employees, the challenges managing benefit programs with the advent of the VRS hybrid program and the cost pressures on health insurance. Ms. Gerome said as they enter these discussions, conversations around compensation and benefits are critical in terms of retaining the right employees, and as they make decisions around this work, the importance of those employees is always in the forefront.

Ms. Gerome stated they will cover four items in this joint work session, including compensation, for which she typically brings back market data and World at Work projections, so they can project salary increases. She said this is the one area that staff would like the Boards to provide direction on for Mr. Foley and Dr. Moran so they can begin to start building their budgets. She said the other is pay compression, and they have worked with a consultant to analyze data and provide recommendations on how to address this. Ms. Gerome noted the disability and leave program was shared with the boards last year, reflecting a change in the hybrid program mandated by VRS that requires them to provide employer-paid short and long-term disability benefits, and staff also wants to spend time on medical insurance to discuss challenges with the current plan and ideas moving forward so they can keep a solvent plan that is affordable and of value for all employees.

Ms. Gerome reported that based on the Boards' strategies for compensation, the County targets classified staff at the median of the adopted market, and teachers at the bottom of the top quartile. She said they adopted this strategy in market about 15 years ago, but they have modified it based on data, such as the difficulty faced in 2005 and 2006 in recruiting teachers, so they changed that strategy; and there was also difficulty in hiring positions recruited for out of the area such as department heads and principals, so they changed that strategy also. Ms. Gerome said they always survey the adopted market, and this year the market moved 2% overall; the County had a budgeted 3% increase because it had started a percentage behind the market last year, and the 3% increase to be implemented starting in October will put them at market. She said that World at Work is projecting a 2.7% increase this year, so that would be the increase based on their adopted strategy. Ms. Gerome presented information on World at Work versus the adopted market, and World at Work has been slightly higher than market although that has leveled off over the last few years.

Ms. Gerome stated this year, the pay increase was 2.3% implemented through pay for performance or merit pay, so employees that were successfully meeting expectations would receive at least a 2.3% increase, up to a 4.3% increase, depending on their performance evaluation score and where they are in the pay scale relative to midpoint. She noted the increase would be effective this month. Ms. Gerome said the County had implemented an overall 2% increase including step and scale for teachers, and they are at market for all of the benchmarks measured, as the bottom of the top quartile. She presented information showing comparable markets, noting Prince William as an outlier from the rest of the market, Loudoun County, and Albemarle in relation to them in the top quartile. Ms. Gerome noted at the start of the scale, 0, 5, 10, there is a cluster of the market, and then a wider distribution at the 20 and 30 levels.

Ms. Gerome stated the County has been struggling with compression as an issue, and said that many positions such as teaching assistants and positions in Finance and Community Development have been vacant for quite some time, with some candidates declining offers, and this is due more to the equity ceiling than the actual pay scale, because employees are not moving along the pay scale as they should be. She said the County has worked with Titan Consultants to review this and develop some options, and they have developed four. Ms. Gerome stated the first option is to keep the current salary structure, look at employees and determine how long they have been in their positions and place them where they should be in the pay range; the second option does that but also collapses the bottom of the pay grade because there are 28 pay grades but pay grade 1, 2 and 3 have very few positions so it kind of collapses those; option three and four are implementing new salary structures and changing the spread of the pay grades and width between, which will require a market study to figure out where everyone needs to be on the pay grade.

Ms. Gerome stated with employees being more mobile, benefits are designed to be more mobile and portable for employees. She said there are benefits inequities between newly hired employees and current staff, and an analysis of two employees hired the same date, one a VRS member, the other a hybrid member, shows one has a much more robust income replacement than the other, even though they were hired at the same time. Ms. Gerome said the County has been looking at a way to best administer leave benefits to employees, having some modifications to the leave program and offering a short and long-term disability benefit to all employees. She noted in doing employee outreach, they hear a lot of clear feedback as to the importance of retaining sick leave, so whatever they design will keep that in mind.

Ms. Gerome stated that option one is to offer one benefit program, short and long-term disability for all employees, which would allow a consistent benefit and superior benefit for all employees and avoid morale issues. She reported that option two would create separate leave policies, which would require additional staff due to its complexity and the way benefits need to be administered and explained. Ms. Gerome said health benefits are changing as well, and there were steps taken to make some changes, such as a deductible implemented last year and the spouse change, with many other changes being considered by employers nationally.

Mr. Tom McKay addressed the Board and stated he is a benefits consultant who has been working with County schools for the past 12 years. Mr. McKay said benefits are changing rapidly, due to cost pressure and the Affordable Care Act (ACA), and one trend is compliance, with employers having a difficult time staying on top of it due to lots of regulations being issued, including a mandatory reporting requirement beginning in January and February of 2016. He noted there has not been a decrease in the medical trend rate, but trend rates have accelerated in prescription drugs, with specialty (injectable) drugs being significant in cost. Mr. McKay said that County schools have seen five claims that are well over $20,000 just in prescription drugs, and that is impacting claims. He stated that ESI, Express Scripts, predicts that specialty drugs will increase 22% over the next three years. Mr. McKay said ACA taxes are still hitting employers, and to deal with those cost increases employers are passing those costs onto employees in the form of higher deductibles, co-insurance, out of pocket limits, and co-payments on prescription drugs. He stated the high-deductible, consumer-driven plans are greatly accelerating, and a “Cadillac tax” to take effect in 2018, so the cost of employer and employee coverage exceeds a certain threshold, the employer is responsible for a 40% excise tax on the value above those thresholds, and estimates predict that 25-40% of employers will be paying that tax unless they change their plan designs. Mr. McKay noted a consumer-driven plan with lower premiums will address this in a lot of aspects, so there is a lot of movement to these plans.

Mr. McKay stated eligibility changes are also increasingly prevalent, and employers are looking more carefully at how to manage spouse costs and part-time employees or retirees in order to shift costs. He said there is a lot more unbundling and specialization in the market, with programs such as pharmacy being looked at on a standalone basis, as well as an increased investment in wellness programs and return value on investment. Mr. McKay stated there is also an increased focus on prescription drug costs, with a focus on mandatory mail order, in-house pharmacy, step therapy programs, and alternative medicines.

Ms. Gerome stated the goals around the County's health insurance program are to keep it affordable, to have benefits slightly above market target, to meet employees' and families' needs, to target reserves at 20-25%, and to be in compliance. He stated the Healthcare Executive Committee developed recommendations around the health plan by looking at claims, considering reserves, employee feedback, and getting market data on plan design, employee premiums and board contributions. She said one of the challenges the County is facing is the Cadillac tax, a 40% tax on amounts above $10,200, and if they do not make some changes, they are in line to be subjected to the tax. Ms. Gerome stated they are looking at reallocating rates, changing the contribution strategy so that rates are closer to the usage among tiers, so that an individual pays just an individual cost and families pay the full cost for families. She said the Board contribution has been a flat contribution, so changing that impacts other groups, such as retirees, part-time employees, and County employees married to other County employees. Ms. Gerome noted they are looking through those issues now and will have information forthcoming.

Ms. Gerome said the other challenge faced with the medical plan is that there have been several years of high claims, and several years when huge increases were offset by reserves, so at the current rate the plan is not sustainable. Ms. Gerome added the ACA has also meant significant taxes and fees, so they are looking at some of the ideas as shared by Mr. McKay, such as offering a high-deductible plan with a health savings account. She said there will be one traditional plan that would be somewhere between the current basic and high plan now, and one that would offer a health savings account with a high deductible for employees. Ms. Gerome stated they are also exploring some more aggressive disease management, with plans designed for people with certain conditions so they do not have copays for certain services. She said they are also looking at pharmacies because the costs there have been high, and one group has been looking at carving out the County's pharmacy benefits.

Ms. Gerome presented an example of a high-deductible plan versus a traditional plan, and said if an annual premium is $941 with an out-of-pocket max of $3,500, if an employee hits that maximum, the most they will pay out of pocket will be $4,401; with a high deductible, the annual premium is considerably lower, and there is also a higher out of pocket max, so the worst case scenario there, because the employer also contributes to a savings account, would be $3,764, so the employee will actually save with a higher deductible.

Ms. Gerome stated if they keep the status quo with the health plan, the increased costs will be about $3.7 million for next year; to offer two plans, the blended traditional plan and a high-deductible plan with a health savings, and the assumptions are for low enrollment because this is a complex, new idea that will require some aggressive marketing. She said they are assuming 5% enrollment and a health savings account, which will increase costs by about $3.2 million, and investing in some interactive tools to help employees make those choices will result in a $2.9 million cost increase. Ms. Gerome presented a monthly calendar of events for employee wellness activities and mentioned offering flex-time for wellness for employees; and incentivizing disease management, health risk assessments, and biometric screenings.

Ms. Gerome recognized Claudine Cloutier, Benefits Manager; Brook Conover, a Human Resources analyst; Dana Robb, a Compensation Manager; and LeAnn Knox, Wellness Manager. She stated these team members worked on preparing this report, and what they are looking for is a budget target for compensation to build the teacher's scale so Dr. Moran and Mr. Foley can begin building the target compensation for classified staff. Ms. Gerome noted they are now at market, and World at Work is projecting a 2.7% increase.

Ms. Moynihan asked why World at Work is always higher than the median market. Ms. Gerome responded that World at Work is asking organizations in the spring what increase they are going to get, so her guess is that it is adjusted in the fall when the increase is actually given. She said they analyzed the data and published the results in early August, which is when the County got them, and one year World at Work went back out to survey, but that is not typical.

Ms. Moynihan asked how wide the survey pool is that they used. Ms. Gerome responded it is hundreds of organizations, and Albemarle's segment is in the specific education and public administration sector in the southern region, and it is part of the County's strategy to look at that.

Ms. Moynihan asked if there are other national benchmarks they can survey against that are similar to World at Work. Ms. Gerome stated there are a lot of compensation groups that do surveys, but not many that break the data out into the sectors like World at Work does.

Ms. Moynihan suggested using World at Work, but also one or two others for comparison purposes.

Ms. Mallek suggested using VACo or NACo information in addition to this, as those localities are looking for the same comparisons.

Ms. Gerome said the County can see in August or September if there are any salary projections for localities.

Ms. Moynihan asked if the market uses the same data to try to figure this out. Ms. Gerome responded the County has a best practice process for compensation strategy, so most organizations do not have this adopted, and sometimes they look at revenues to make a guess, and sometimes they speak with colleagues about it, along with other informal ways. She noted this is how Albemarle has done it for many years, and she has heard that a lot of resources are spent in talking about that number.

Mr. Boyd stated he and Mr. Koleszar had served on the committee back in 2000 when they developed this strategy, and he feels it may be time to rethink the strategy to make sure it is the proper thing they should be doing as a lot has changed in healthcare since then. He said he has never been a fan of the World at Work benchmark, and perhaps it is time to survey the 30 peer groups and employers in the area, although he realizes it is a very time consuming process. Mr. Boyd said he does not know if providing benefits at 5% market is an appropriate approach, and it has been 15 years since they evaluated this so it may be time to reconvene a group to look at compensation and benefits.

Mr. Koleszar stated one of the changes suggested in the report that appeals to him is getting away from having just one market, because for teachers and upper management, the current market seems pretty good, but for other positions perhaps the local market should be used. Ms. Gerome responded the County actually has to do that in order to be flexible and fill positions, using similar jobs at UVA or Martha Jefferson.

Mr. Koleszar said for teachers and principals their market comparisons seems to be appropriate, but not so much for other positions.

Mr. Boyd stated he wants to rethink the entire process, because as he has seen it evolve over the past 16 years, it seems they are putting career paths for teachers that are geared toward moving them into administration, and perhaps they can consider a career path that is compensated more by being a good, effective teacher in the classroom.

Ms. McKeel said this is one of the benefits of the instructional coaching model, as it gives teachers an option.

Mr. Boyd asked if it takes them out of the classrooms. Ms. McKeel responded that it does.

Ms. Gerome said there may be ways to accomplish the goal suggested by Mr. Boyd without reconsidering the entire process, and one of the challenges they face is that teachers wanting to move into administrative positions actually face an hourly salary decrease when making the change, due to salary compression.

Ms. Palmer asked if the comparable teacher salaries for Loudoun and Prince William are adjusted for cost of living. Ms. Gerome responded they are not, and are just based on the teachers' scale.

Ms. Palmer asked if the increased claims are due partly to the average age of employees. Ms. Gerome said that age is one factor, but it is also due to the cost of specialty drugs and random health situations that result in high-dollar claims.

Ms. Dittmar asked if she wants to talk further about compensation. Ms. Gerome responded she would like to stay on that topic, and emphasized they need to address the compression issue because there will likely be significant challenges with hiring and morale if it is not addressed.

Ms. Mallek asked if there is a relationship to evaluation or merit when repositioning people in the pay scale. Ms. Gerome stated it can be implemented that way but was not factored into her model, and this October marked the second year of the last six or seven in which they have had a pay for performance component.

Ms. Mallek asked her to comment on the term "relevancy of our peers" as used in the report. Ms. Gerome said the adopted market includes 26 school divisions and 27 local governments, as well as a handful of local employers such as UVA and Martha Jefferson, but if there are positions that can cut across different industries, perhaps the market does not pertain to them. She stated they have also had to be flexible with positions such as engineers and other positions in Community Development.

Ms. Mallek stated she had heard the private sector is lagging far behind with benefits, but she is reluctant to have a "race to the bottom" on benefits, because it has been the only thing local governments have offered as an advantage for quite a long time. Mr. McKay responded there is a definite cost shift going on in the private sector more so than in local government and schools, so they are adopting the high deductible health plans more readily and in some cases are making it the only offering, and while those plans have some good tax advantages, there are a lot of out of pocket costs for employees. He stated because of cost pressures and the Cadillac tax, those plans are becoming more standard in the market, particularly in the private sector.

Ms. Mallek said the goal of those HSAs have been to keep the premiums very small, but they are still 80% of the premiums instead of 20%, so that results in people not going to the doctor, which is the wrong thing for them to be driving toward.

Mr. McKay stated there is a lot of education needed around this, and the most effective plans are those where the employer makes a contribution into the account so the employee has some money to go to the doctor, and there has to be some premium savings from the other plan so there will be more money to put into the account and it can be built up. He said that hopefully after year two, people will have enough money in their account to cover their deductible, but it is very personalized as to how people use their healthcare.

Ms. Gerome presented information on compression, stating that staff is not asking for a decision on this today as they have not spent enough time talking about the options.

Mr. Boyd stated there is a wide sway between options, $400,000 to $1.4 million, so they must have more information before they decide on the compression issue.

Ms. Dittmar commented this is just preliminary guidance, and the Board will get deeper into this during their budget work sessions, but should give some input at this point.

Mr. Boyd said based on the information seen thus far on the five-year projection, there is a wide gap, and he would want to see whether the proposed salaries will increase or reduce that gap.

Ms. Gerome stated that 2% is built into the five-year plan for schools and local government, with a 2.7% differential.

Mr. Bill Letteri, Deputy County Executive, explained the five-year plan model presented to the Board previously had included a 2.7% increase for classified salary and 2% for teachers, which is driving the vast majority of the funding gap. He said this also reflects the 10% health care cost premium increase.

Mr. Koleszar stated this is the essence of what determines the guidance provided to the Superintendent and the County Executive as to what the best guess is regarding what the market will do. He said based on the survey, they are at market, and it looks as though over the last three years World at Work was about .5% high, so if they are projecting 2.7% it will be reasonable to do 2.2%.

Ms. Moynihan said she thought they were going to look at some other options, and they could always go up but going down is a bit harder, so it seems better to start at 2% and possibly go up.

Ms. Mallek stated her recollection of the last eight years is that once they get to January, there will be a stampede in dealing with these details, so they should have more discussion in December before that happens. She said in the past when they went above 1% in the plan and were at 2%, there was a lot of finger-pointing and blaming about why they were cutting everyone, and she would much rather do something they are certain they can do and use that as the budget number.

Ms. McKeel said Dr. Moran has an earlier timeline and needs her information pretty quickly so she can roll out the school budget. She stated she is a bit confused about the compression issue, as the police department has been greatly impacted by it in terms of recruitment and retention. Ms. McKeel said it looks as though staff has provided more detail, and she is not sure when they will discuss it further with the Board.

Ms. Gerome stated the goal for this meeting is for staff to share this information on a preliminary basis, and the consultants have put forth four options for review that will come back as part of the budget process as to which option staff will recommend, and it may be a modification of one of those options to meet the County's needs.

Ms. McKeel said she needs some clarification on the timeline for how this will play out.

Mr. Letteri explained their next joint meeting will be November 11, and there is a lot on that agenda with a focus on the five-year plan update. He said at that point staff will have had the opportunity to revisit revenues and understand a bit more about where they are in the five-year plan, and he hopes that some of those cost items will be incorporated for that discussion. Mr. Letteri stated the agenda also includes reports from the Efficiency Committee and Citizens' Resource Committee, which will be a factor in their planning.

Ms. McKeel said there is a lot of information to cover, and she wants to make sure they have enough time to discuss these issues in depth and are not making decisions on the fly. She stated the recommendations from staff for this meeting are to address the compression issue. Ms. Gerome responded that staff is not prepared to recommend a specific option to address compression, and she feels it would be helpful for the Board to use this time to talk through it.

Mr. Buyaki asked if compression affects local government and schools equally in proportion. Ms. Gerome responded it is proportionate in terms of classified employees, but it does not impact teachers because that scale is a step scale and is designed differently.

Mr. Buyaki said it would be helpful for him to see a few examples.

Ms. McKeel said police and fire/rescue are struggling with compression, and those departments have employees that are very specifically trained with licensures, which is very different from the larger classified pool because of the training required. She noted that several years ago, they pulled out teachers as a separate group so they could meet the teachers' market to address retention and hiring, and perhaps they need to do the same thing with fire/rescue and police.

Ms. Gerome responded this had come up a little bit in their work with Titan Gallagher, and there were interviews with about 76 employees, with this issue considered. She stated the result of their discussions was that there are some differences, there are enough similarities that they should be paid the same way as other classified employees.

Ms. Dittmar said her understanding is that some of their peer counties do separate those employees out, so it might be worth taking a look at.

Ms. Palmer asked what the down side of doing so would be. Ms. Gerome said she would like to know what their objective will be.

Ms. Dittmar stated the objectives will be the same, attraction and retention, and if those are specialized fields, it might be worth looking at separating the pools.

Ms. Gerome commented that one of the reasons they are having so much difficulty is because in those departments where a lot of the same positions are hired, such as policemen, firefighters, eligibility workers, and teachers' assistants, there are a lot of people with different skill backgrounds. She stated a police officer with several years of experience who is only 5% above the minimum in the range would mean that someone else being hired from another police force would come in at an equal or lower pay rate, because Colonel Sellers would not want to leapfrog that new person over the existing employee. Ms. Gerome stated the study would recommend the police officer with 7 years of experience would be at midpoint, so they will be moved on the scale with everyone else accordingly.

Mr. Boyd said a few years earlier they reviewed the police officers' salaries and made some sizable adjustments, and asked if they had not looked at the compression issue at that point.

Ms. McKeel stated they have to keep coming back to look at compression, and when the teachers were pulled away as a separate group to have their own scale that solved the issue, and perhaps they need to look at these other groups in a similar way so they are not faced with the same problem for a different group every few years.

Mr. Koleszar said one of the questions that came up is whether they can go back and look at people's evaluations retroactively to put in a merit component, because if those employees are taken out and put in a step scale, they will lose the merit component.

Ms. McKeel noted other divisions have pulled groups out and created a separate market for them to be looked at differently than as a larger classified group, and she would be interested in knowing what the best practice is.

Ms. Mallek said looking at the skill element besides just years would be helpful, and she is not sure how to balance those elements, but they cannot be weighted the same.

Mr. Buyaki asked what the budget implications would be with the recommended option for dealing with compression. Ms. Gerome responded the cost is approximately $500,000, and that would be fixing it all in one year, but they also have the option to phase it in over time.

Mr. Boyd said the problem he is having is whether they can afford to look at the salary adjustments and the compression issue in one year, and there are some built-in salary adjustments that will be made in dealing with the compression issue.

Mr. Tom Foley, County Executive, stated after this discussion, staff can bring the cost estimates for the various options together as they look at the five-year plan, with some updated revenue estimates on November 11 and some alternatives provided. He said in addition to seeing this, the Board has asked for information on the cost implications of solid waste solutions and expanding the Community Development work program, so they would like to bring all of that back with some recommendations, including more analysis on the compression issue and things like the public safety salary scale. He stated the numbers will be available soon, in plenty of time for Dr. Moran to establish her budget for the schools, and the Board will have materials in advance. Mr. Foley said if there is any direction from the Board now on percentage salary increase it would be helpful, but staff understands that the Board needs more information and may not be ready to make any decisions. He added they can consider this to be the beginning of their discussion regarding the five-year plan, and said more time is budgeted for that meeting given the volume and complexity of information.

Mr. Boyd said some examples of impacts on individuals will help them understand it better, and he would like to see how it impacts individual employees.

Ms. McKeel commented that she would like to see the data on recruitment and retention, such as what they had when they had talked about teachers and retention issues.

Mr. Foley said this decision does not have to be made on November 11, and staff is looking for preliminary direction to feed into the five-year plan and the budget, and there is a lot more data and information and complication to some of this, which staff will work into the material.

Mr. Boyd asked that they also explain who the winners and losers would be in those examples, because there likely will be depending on the department. Ms. Gerome stated a lot of that is perception, and staff will bring forth examples of positions that have been very difficult to fill and the length of time it takes to hire those positions.

Ms. McKeel said this is why the Board needs to see the data.

Mr. Koleszar stated he would like to clarify that whatever the percentage will be for teachers, that includes a step, and it is not 2% plus step.

Ms. Gerome said the teachers' scale increases ranged from 1-3% last year, and she and Jackson Zimmerman developed the scale by looking at market data and taking into consideration health increases, and making sure no one ends up with a reduction in pay.

Mr. Boyd asked how long it has been since they put the 30 steps for teacher salaries in place. Mr. Koleszar responded that it was during his first year on the Board, which had been 20 years ago.

Ms. Acuff asked about any pharmacy savings with either approach presented, and asked if it would be for next year or a longer rollout. Ms. Gerome responded that an onsite pharmacy would mean a longer rollout, and a carve-out of the pharmacy plan separate from the health plan can be enacted by October 2016.

Ms. Acuff asked how much of an impact that would be on the 10% cost increase. Mr. McKay said the in-house pharmacy needs a lot more evaluation, and a carve-out pharmacy would probably generate about 8-12% savings, based on the market trends. He stated the County's prescription costs are about $5 million per year, so that would mean significant savings.

Ms. Acuff asked if there would be any barrier from going to the marketplace. Mr. McKay responded they would want to do those things at the start of a plan year, which would mean next October 1, 2016, because it would be more disruptive to do them in the middle of a plan year.

Ms. McKeel asked if there would be any benefit in terms of lower costs by the City and County working together on this. Mr. McKay responded there would be benefit to organizations of 100-1000 employees, and by banding together they are able to gain some efficiencies and reduce volatility, but for groups of Albemarle's size more than 90% of costs are claims, and joint purchase would not affect those costs. He said the administrative and stop loss costs would impact 8-10% of costs, and the issues with joint purchase are that there must be consensus around decisions, such as renewal date.

Mr. Boyd said what he recalls is that there are some benefits realized from increased numbers, but also increased problems.

Ms. McKeel stated it has been a while since they had looked at the possibility of pooling, so she wants to revisit it. Mr. McKay responded it is a good idea, but they will need to increase their numbers four-fold to affect claim costs with providers and even driving down fixed costs.

Ms. Acuff asked if it could be useful to pool in terms of running their own pharmacy. Mr. Letteri stated the efficiency committee has a sub team that is looking at the pharmacy question, including possibly teaming with the City, University and other partners.

Ms. Mallek said she hopes they will include a conversation with VACo, as they have a standing group with experience in this, and there are a lot of other communities in the state that are working on this. Mr. Letteri responded that he will follow up with the committee.

Ms. Moynihan said she is confused about the difference between the two projected plans, traditional and high-deductible, with one assuming 5% enrollment and one assuming 50%. She asked if the only difference is the addition of the $55-100K for training. Ms. Gerome responded it is the only difference, and the third option is to incorporate a tool that will allow an employee to model a plan or map out what they have typically spent on healthcare. She said she and Ms. Cloutier have talked to some vendors who offer these and their increases in enrollment are approximately 35%, so there is significant savings but you have to invest in tools to make that happen.

Ms. Mallek pointed out that it is an annual investment.

Mr. Buyaki said that is to get employees comfortable with the new system, and the more who signed up the more savings there were. He stated his company had recently shifted to this plan, and they were surprised at how many people feel it is beneficial to them, which yields a much higher participation rate.

Ms. Moynihan asked if there are tools used like the ones being described here. Mr. Buyaki responded there is a lot of education with employees on how much they have been spending on healthcare, and how much they will spend.

Mr. Sheffield stated at JAUNT they have a certain out of pocket threshold for employees before they can tap into the HSA, and asked if that has been looked at. Ms. Gerome responded they have just started designing this, and asked if it is something advisable.

Mr. Sheffield stated they have a 40% participation rate, which surprised him, and employee word of mouth has been the best tool. He asked if there could be a cost attached to each 5% increment when staff brings this back in November.

Ms. Palmer asked where staff had gotten the estimate of enrollment. Ms. Gerome said the 5% is based on what other organizations have experienced without implementing tools, and said the County tends to have low participation in some of its voluntary benefits, so she would not want to assume a very high rate of participation.

Ms. Dittmar stated she had not been happy with the Cadillac tax legislation when staff first explained it, and said there is bipartisan support in the Senate for repealing it in plenty of time for 2018.

Ms. Gerome said staff has been watching that, and said that reallocation is the right thing to do for reasons beyond the Cadillac tax, to get rates better aligned with claims usage.

Ms. Dittmar stated if they are only able to do 2% raises for employees, having a solid benefits plan for employees is important, and they also do not want to have a huge increase because of a Cadillac tax. She said in NACo information, she had also read that the drug issue is huge for healthcare now, with some companies doing mail order to Canada, and a dynamic that has counties sending their business to other countries is clearly something that needs to be addressed.

Mr. Gallaway asked if the net impact comparison had been done in isolation or in total, or just what the compensation increase will do. Ms. Gerome responded that it was done in entirety, and they looked at the premium amount and the compensation increase, but copays and deductibles are not factored into that. She noted this month, the $500 per person/$1000 per family deductible will begin.

Ms. Mallek said this is part of the race to the bottom to which she was referring.

Mr. Koleszar commented the County has a market-based strategy that includes both public and private market, and when there is an overall race to the bottom with people taking home less than they did in 2001, their salary reflects that. He emphasized the market for wages has been terrible in the U.S., and the County's compensation reflects that.

Ms. Mallek said last spring they had talked about increases in salary up to a certain level, so if there is the possibility of some analysis in terms of the difference it will make in the numbers, because the largest contributors to the gap are not the people making $30,000, but those making $130,000.

Ms. Acuff stated one of the letters the School Board had received was regarding insurance, and last year and the year before they had been hit with cost shifting of the UVA health plan not covering spouses. She said the letter implied that the County had done the same thing, and asked for confirmation as to whether that is the case.

Ms. Gerome confirmed the County has enacted that policy.

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Agenda Item No. 3. Matters not Listed on the Agenda.

There were none.

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(Recess. At 4:30 p.m., the Board recessed, and the School Board adjourned.)

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Agenda Item No. 4. Call back to Order. At 6:00 p.m., the Chair called the Board back to order.

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Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

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Agenda Item No. 7. Adoption of Final Agenda.

Ms. Dittmar introduced County staff.

Ms. McKeel **moved** to adopt the final agenda as presented. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.
NAYS: None.

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Agenda Item No. 8. Brief Announcements by Board Members.

Mr. Sheffield stated he would like to have a discussion regarding the traffic signal at Greenbrier and Hillsdale Drives, to consider taking action and offering an alternative to VDOT.

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Ms. Palmer said she would like add a discussion about biosolids at the end of the meeting.

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Ms. Mallek reported that Charles “Mo” Stevens had passed away. Mr. Stevens was a naturalist and a leader in the Natural Heritage Committee for many years, known primarily for his skills and knowledge in birding. Ms. Mallek stated Mr. Stevens was also a botanist, with more than 25,000 specimens of plants added to the Longwinter Arboretum in Delaware, and was a significant contributor to *The Flora of Virginia*. She said he was also one of the founders of the biodiversity workgroup, the precursor to the Natural Heritage Committee.

Ms. Mallek also recognized Mr. Richard “Dickie” Martin, a longtime police officer in Albemarle and volunteer with the Crozet Volunteer Fire Department, who had passed away earlier that morning.

Ms. Mallek stated that several Board members had recently attended the TJPDC’s Transportation Academy, with Luke Judea from the Weldon Cooper Center talking about Virginia’s changing demographics, and John Miller talking about how transportation statistics are used in planning highways. She said Wood Hudson had also given an update on the ecological planning tool that the study group, including Mr. Boyd, had finished earlier in the year. Ms. Mallek said the next academy will be held in January 2016, and they are still taking suggestions on topics.

Ms. Palmer asked if there was a podcast or anything from that event. Ms. Mallek responded that slide materials would be posted soon on the TJPDC website. She also noted the recordings from the Rivanna River Renaissance Conference had been done by Charlottesville Tomorrow and will be posted on the Rivanna River Basin Commission website.

Ms. Mallek reported she had attended the VACo Agricultural and Environment Committee earlier that morning, with the primary purpose being to get updates on stormwater from the Stormwater Stakeholder Advisory Group, with an effort to streamline four different processes: erosion and sediment control, stormwater provisions, water quality, and the Chesapeake Bay program. Ms. Mallek stated the advisory group would not likely have legislation recommended this year because they have gotten bogged down in the process and how smaller communities would deal with state and federal stormwater requirements, and this provides her with some relief that the County is part of the MS4 process.

Ms. Mallek reported she had spoken with Delegate Steve Landes about the school bus ticketing, and he indicates the bill might be resubmitted and may be sent to education or transportation and if so would likely stand a better chance this year. She noted that Chip Harding’s nephew Elliot had come up to her after the Crozet meeting and thanked her for talking about the DNA database, which will need to be resubmitted again this year in hopes of getting some recommended changes incorporated.

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Ms. Dittmar reported that John Bright, head of the North Downtown Neighborhood Association, reached out to her about having a dialogue with the County on putting blue lights in the windows of the County Office Building during the holiday season to show support for area police.

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Agenda Item No. 9. Proclamations and Recognitions:

Item No. 9a. Recognition of Albemarle County’s Submission for the 2015 Governor’s Holiday Tree Ornament.

Ms. Mallek reported the holiday tree at the Governor’s mansion this year will feature handmade ornaments from artists and artisans from communities around the state, and Albemarle County put out an invitation through the artisan network for designs. She stated the review committee has chosen the winning ornament from artist Lynn Eheart, whose business is “A Touch of Paint,” designed on an emu egg and featuring painted scenes of Albemarle County. Ms. Mallek noted that Laura Dollard, who had passed away just a few days earlier, had furnished the egg.

Ms. Lee Eheart stated she had purchased the egg from Ms. Dollard, who had been the “egg lady” next to her at the City Market, and said that she dedicates the egg to Ms. Dollard. Ms. Eheart said her ornament had taken about nine hours to paint and was done freehand, using a sketch she had drawn.

Ms. Mallek said after the Governor’s tree, the egg will be displayed at the Visitors’ Center in Crozet.

Ms. Lee Catlin, Assistant County Executive, thanked Ms. Eheart for such a wonderful submission.

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Item No. 9b. Proclamation recognizing October, 2015 as *Domestic Violence Awareness Month.*

Ms. McKeel read the following recognition recognizing October 2015 as Domestic Violence Awareness Month, and recognizing the Shelter for Help in Emergency (SHE):

PROCLAMATION

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

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

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

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

WHEREAS, the Shelter for Help in Emergency commemorates its 36th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency, that I, Jane D. Dittmar, Chair of the Albemarle County Board of Supervisors, do hereby proclaim the month of

October 2015
as
DOMESTIC VIOLENCE AWARENESS MONTH

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

Ms. McKeel then **moved** to adopt the proclamation as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.
NAYS: None.

Agenda Item No. 10. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Jessica Maslaney, Executive Director of the Piedmont Family YMCA, addressed the Board and stated they have named the facility Brooks Family YMCA and have also secured naming rights for their pool and gymnasium. Ms. Maslaney said Lockridge Construction is slated to mobilize construction on the site on November 2, with a formal groundbreaking ceremony on November 5, and she is before them to invite them to a variety of groundbreaking activities on that day. She stated that the YMCA partners groundbreaking ceremony will be held at 10:00 a.m. at McIntire Park, with a focus on elected officials, media, major donors and community partners, and a 30-minute ceremony including media opportunities. Ms. Maslaney said Ms. Dittmar will be there to speak along with Mayor Huja, and there will be a formal groundbreaking, photo opportunity, and a meet and greet with Hot Cakes catering offering food and hot cider. She stated from 5:00-7:00 p.m. there will be a public event with music, children's activities, and hot air balloon rides, as well as membership information. Ms. Maslaney said once they break ground, construction will take about 18 months, for a summer 2017 facility opening.

Agenda Item No. 11. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.
NAYS: None.

Item No. 11.1. Approval of Minutes: April 1, April 7 and May 6, 2015.

Ms. Palmer had read the minutes of April 1 and April 7, 2015 and found them to be in order.

Mr. Boyd had read the minutes of May 6, 2015 and found them to be in order.

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

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Item No. 11.2. Transportation Alternatives Program (TAP) Grant, Moore's Creek Trail and Trailhead Park Project.

The executive summary forwarded to the Board states that the Thomas Jefferson Planning District Commission (TJPDC) is working with the County and City to submit a Transportation Alternatives Program (TAP) Grant application for funding to support the construction of multi-use trails and a trailhead park along Moore's Creek. TAP Grants require a minimum 20 percent local match. Cash proffers received from the Fifth Street Station development, contributed for the purpose of greenway development, can be used to cover the required match. The grant application is due to VDOT by November 2, 2015. Development of the Moore's Creek Greenway trail is identified as one of the priority pedestrian, bikeway and trail improvements in the County's Priority List of Transportation Improvements, which was approved by the Board in April 2015.

If the County is awarded this grant, the funds would be used to support the Moore's Creek Trail and Trailhead Park Project. The project would: 1) construct a ¼ mile multi-use trail along Moore's Creek from the Fifth Street Station commercial site to Fifth Street and to make connections to other existing nearby bike and pedestrian facilities in the County and City; 2) design and install pedestrian/bike crossing(s) on Fifth Street to connect to existing Rivanna Trails Foundation trails on the west side of Fifth Street; and 3) determine the location and design of trails along Moore's Creek from Fifth Street west to Old Lynchburg Road/Azalea Park.

These improvements would be developed in coordination with the greenway/trail facilities approved as part of the Fifth Street Station rezoning and would result in enhanced facilities in this area, above what could be constructed with the proffered funds alone. Proffer funds would be used for the construction of a bridge and trailhead park. In addition to the above three items, awarded grant funds would also be used for professional services for the design of the bridge and park, the design and construction of additional connecting trails, and the design of additional bicycle and pedestrian improvements to serve as the basis for future grant proposals to extend the network in the City and County.

The TJPDC would function as the grant and construction manager for the project and the requested amount of grant funds is estimated at $350,000. A condition of the grant requires that the County would be responsible for the maintenance and operating costs of facilities constructed on County property with Transportation Alternatives Program funds.

A Board Resolution of support is needed for inclusion with the grant application.

There is no direct budget impact to construct the trail. Proffer funds can be used for the required 20 percent match. If awarded, the grant would leverage additional funds to advance trail construction in this area. Some grant funds will be used to cover the TJPDC's administrative and grant management costs. Department of Parks and Recreation staff time will need to be dedicated to the project.

In addition, the attached Resolution of Endorsement acknowledges the County's responsibility "for maintenance and operating costs of facilities on County property constructed with Transportation Alternatives Program funds or proffer funds." However, no operating cost is expected until at least three to four years after the area is developed. At that point, while the exact cost of maintenance is currently unknown, that cost is estimated to be $1625 per one-quarter mile of paved trail per year. A more exact estimate will be available only after a study is conducted, once the grant is awarded. Once the study/concept is complete, the related maintenance cost will be identified based on the findings of the master plan, and the future maintenance cost will be programed into the Greenway Capital Improvement Program.

The County would be responsible for any maintenance of the trail in this area regardless of whether this grant is awarded. With the grant, the County would be able to construct the proposed facility to a much higher standard, reducing the need for and expense of ongoing maintenance.

Staff recommends that the Board adopt the attached resolution endorsing the Moore's Creek Trail and Trailhead Park Project and supporting the application for Transportation Alternative Program (TAP) funds.

By the above-recorded vote, the Board adopted the following Resolution endorsing the Moore's Creek Trail and Trailhead Park Project and supporting the application for Transportation Alternative Program (TAP) funds:

**RESOLUTION ENDORSING THE MOORE'S CREEK TRAIL
AND TRAILHEAD PARK PROJECT
AND SUPPORTING THE APPLICATION FOR
TRANSPORTATION ALTERNATIVE PROGRAM (TAP) FUNDS**

WHEREAS, the Fifth Street Station Development proposes intersection, bridge and road connections creating bicycle access from Fifth Street to Avon Street, as well as dedicated land and a cash proffer for a multi-use trail, bridge, and node; and

WHEREAS, Albemarle County's Comprehensive Plan includes a joint goal with the City of Charlottesville to create dedicated bike-pedestrian connections across physical barriers within the community; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) has agreed to sponsor and provide project management for a Moore's Creek Trail and Trailhead Park Project (the "Project"), which will include the design of the multi-use trail, bridge, and node, and the design and construction of additional multi-use trails to provide bicycle route connections as envisioned by the Fifth Street Station Development and supported by the Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of the County of Albemarle, Virginia, that it hereby endorses the Moore's Creek Trail and Trailhead Park Project and supports an application for Transportation Alternative Program Funds for this project.

BE IT FURTHER RESOLVED, that the Board authorizes the value of the dedicated land and the cash proffer to be used as the local match for the grant, with the proffer funds dedicated to the construction of the elements described in the proffer.

BE IT FURTHER RESOLVED, that the County will be responsible for the maintenance and operating costs of facilities constructed on County property with Transportation Alternatives Program funds.

Agenda Item No. 12. **PUBLIC HEARING: Rivanna Water and Sewer Authority Deed of Easement.** To receive comments on a request by the Rivanna Water and Sewer Authority to grant it a permanent waterline easement for the purpose of installing a water meter on the Darden Towe Park property, located at 1445 Darden Towe Park Road, Charlottesville, VA 22911, and identified as Parcel ID 06200-00-00-02300, co-owned by the County and the City of Charlottesville. (Rivanna Magisterial District) *(Advertised in the Daily Progress on October 5, 2015.)*

The executive summary as presented by staff states that the Rivanna Water and Sewer Authority (the "RWSA") is requesting a water line easement to install a water meter along a 61' segment of its permanent water line easement at Darden Towe Park, located on Parcel 06200-00-00-02300, which is jointly owned by the County and the City of Charlottesville (See the proposed deed and plat, Attachments A and B). The RWSA is implementing a water metering project with the Albemarle County Service Authority and the City of Charlottesville, and is proposing to place an underground vault and metering device, eight feet by six feet and flush to the ground, that will collect and monitor water distribution data. The easement is necessary for the RWSA to have a better understanding on the current and future City/County water distribution and costs of services.

The proposed water line easement would allow the RWSA to install a metering device for the purposes of monitoring water usage by the City and the ACSA and is part of a cost allocation agreement between the RWSA, the ACSA, and the City. This proposal has no impact on the current or future development or operation at Darden Towe Park. This proposed easement is approximately 800 square feet (approximately 61' by 13') and is located at a constrained location in the Park where there are no additional improvements planned or envisioned in the future. Because the City co-owns Darden Towe Park, the City must also approve this easement request. Virginia Code § 15.2-1800 requires the Board to hold a public hearing prior to conveying the interest in County-owned real property. City Council is expected to hold a public hearing on October 19, 2015 and to consider this request on November 2, 2015.

There is no budget impact associated with granting this easement.

Staff recommends that, following the public hearing, the Board adopt the attached Resolution (Attachment C) to approve granting the proposed easement and to authorize the County Executive to execute any documents, once approved by the County Attorney, to convey this proposed easement.

Mr. Davis reported this is a request from the RWSA for a water line easement adjacent to an existing waterline in Darden Towe Park, which is part of the Rivanna project to install a metering device necessary to implement the cost-sharing agreement between the City, the ACSA and Rivanna. He said it is a small easement along a 61-foot segment along the existing water line, and its purpose is to put the metering device in a vault that is about 8'x6', and the entire easement area is 61'x13', and it is in a constrained area of the park where there is an existing paved trail, with no other improvements anticipated. Mr. Davis said the City co-owns the park, and in addition to the County approval requiring a public hearing, the City will also need to consider it. He stated that staff analysis is that this has minimal impact, and their recommendation is for the Board to adopt the resolution after the public hearing, as found in Attachment C.

The Chair opened the public hearing.

No comment was offered, and the Chair closed the public hearing.

Mr. Boyd then **moved**, to adopt the proposed resolution to approve granting the proposed easement and to authorize the County Executive to execute any documents once approved by the County Attorney, to convey this proposed easement. Ms. Mallek **seconded** the motion.

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

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek
NAYS: None.

(The adopted resolution is set out in full below:)

RESOLUTION APPROVING DEED OF EASEMENT BETWEEN THE COUNTY OF ALBEMARLE, THE CITY OF CHARLOTTESVILLE, AND THE RIVANNA WATER AND SEWER AUTHORITY

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own Parcel 06200-00-00-02300 (the “Property”); and

WHEREAS, the Rivanna Water and Sewer Authority (the “RWSA”) has a permanent water line easement on the Property; and

WHEREAS, an additional water line easement along an approximate 61 foot segment of the existing water line easement is necessary for the RWSA to install a metering device to monitor water distribution to the County and the City.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of the proposed water line easement to the Rivanna Water and Sewer Authority on Parcel 06200-00-00-02300, and authorizes the County Executive to sign any documents, once approved by the County Attorney, necessary to convey this easement to the RWSA for the purpose of installing a metering device.

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This document was prepared by:
Rivanna Water and Sewer Authority
695 Moores Creek Lane
Charlottesville, Virginia 22902

Tax Map and Parcel Number 06200-00-00-02300

This **DEED OF EASEMENT**, made this ____ day of ________, 2015 by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA AND THE COUNTY OF ALBEMARLE, VIRGINIA**, Grantor (collectively, the “Property Owner”) and **RIVANNA WATER AND SEWER AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act, whose address is 695 Moores Creek Lane, Charlottesville, Virginia 22902, Grantee (the “Authority”).

WITNESSETH:

WHEREAS, the Property Owner has agreed to grant the Authority the easement shown on the plat attached hereto and recorded herewith entitled “PLAT SHOWING A RWSA PERMANENT WATERLINE EASEMENT TO BE ACQUIRED BY RIVANNA WATER AND SEWER AUTHORITY ON TRACT A OF THE LAND OF CITY OF CHARLOTTESVILLE, VIRGINIA AND THE COUNTY OF ALBEMARLE, VIRGINIA, RIVANNA MAGISTERIAL DISTRICT, ALBEMARLE COUNTY, VIRGINIA”, prepared by Rinker Design Associates, P.C., dated May 12, 2015 (the “Plat”); and

WHEREAS, as shown on the Plat, the proposed easement crosses a portion of the property conveyed to Property Owner by deed recorded in the Clerk’s Office of the Circuit Court of the County of Albemarle in Deed Book 872, page 1, and Property Owner is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority a perpetual right of way and easement to construct, install, operate, maintain, repair, replace, relocate and extend a water line consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of Property Owner located in the County of Albemarle, Virginia, and to access any other adjacent easement held by the Authority, the location and width of the easement hereby granted and the boundaries of the property being more particularly described and shown on the Plat as “RWSA Permanent Water Line Esmt. (Hereby Granted)” (the “Easement”). Reference is made to the Plat for the exact location and dimensions of the Easement hereby granted and the property over which the same crosses.

Easement Obstructions

Property Owner, its successors or assigns, agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions shall not be located within the Easement; provided, however, Property Owner shall be permitted to (i) retain the asphalt walking path existing as of the date of this Easement (the "Existing Park Improvement") and (ii) install additional Park improvements ("Additional Park Improvements", and together with the Existing Park Improvement, the "Park Improvements") within the Easement which do not interfere with any activities reasonably necessary to allow the Authority to maintain, repair or replace the pipe, meter vault, and structures within the meter vault to be installed by the Authority within the Easement or to read the meter within the vault. The Easement shall include the right of the Authority to cut any trees, brush and shrubbery, remove obstructions, including any Park Improvements, and take other similar action reasonably necessary to provide economical and safe water line construction, installation, operation, maintenance, repair, replacement, relocation and extension. Following the removal of the Existing Park Improvement, the Authority shall restore said improvement as nearly as practical to the same condition as prior to such removal, but otherwise the Authority shall have no responsibility to Property Owner, its successors or assigns, to replace or reimburse the cost of trees, brush, shrubbery, or other obstructions or Park Improvements located in the Easement if cut or removed or otherwise damaged.

Easement Access and Maintenance

As part of the Easement, the Authority shall have the right to enter upon the above-described property within the Easement for the purpose of installing, constructing, operating, maintaining, repairing, replacing, relocating and extending the above-described water line and appurtenances thereto, within the Easement; and in addition, the Authority shall have the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, repair, replace, relocate and extend such water lines. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of Property Owner adjacent to the right-of-way, and shall restore surface conditions of such property adjacent to the right-of-way as nearly as practical to the same condition as prior to the Authority's exercise of such right.

Excavation

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

Ownership of Facilities

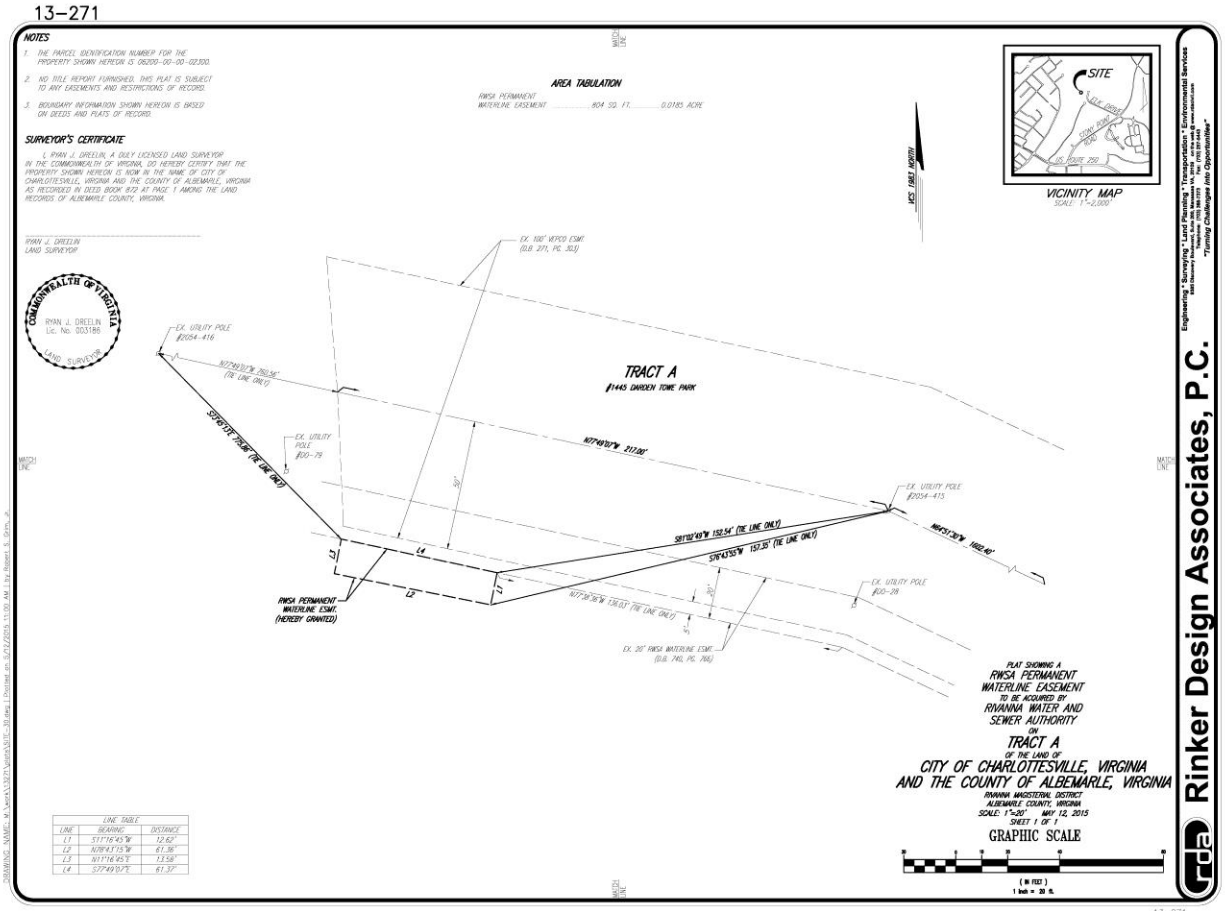
The facilities constructed within the Easement shall be the property of the Authority, its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the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

WITNESS the following signatures and seals:

PROPERTY OWNER:
CITY OF CHARLOTTESVILLE, VIRGINIA
By:______________________________(SEAL)
Name: Maurice Jones
Title: City Manager

PROPERTY OWNER:
COUNTY OF ALBEMARLE, VIRGINIA
By:______________________________(SEAL)
Thomas C. Foley, County Executive

13–271



Agenda Item No. 13. **<u>PUBLIC HEARING: PROJECT: SP-2015-00011. Montessori Community School (Signs 81 &82).</u>**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 07800-00-00-012A0 and 07800-00-00-011B0.
LOCATION: 440 Pinnacle Place.
PROPOSAL: To amend special use permits SP2006-38 and SP2009-001 for revisions to site layout, concept plan and conditions.
PETITION: Educational School on 6.71 acres under Section 23.2.2(6) of Zoning Ordinance. No dwelling units proposed.
ZONING: CO, Commercial Office which allows offices, supporting commercial and service; residential by special use permit (15 units/acre); school of special instruction under Section 23.2.2(6) and HC, Highway Commercial which allows commercial and service; residential by special use permit (15 units/ acre).
ENTRANCE CORRIDOR: Yes. MANAGED STEEP SLOPES: Yes.
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses and Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre) in Neighborhood 3-Pantops.
(Advertised in the Daily Progress on September 28 and October 5, 2015.)

The executive summary as presented by staff states that on September 1, 2015, the Planning Commission held a public hearing on the application and recommended approval with conditions recommended by staff.

The staff report for the September 1, 2015 Commission public hearing (Attachment C) provides a complete analysis of the application. The Commission recommended approval of the special use permit with the conditions described in the September 1, 2015 staff report. Those conditions are attached to the proposed Resolution (Attachment A). A non-substantive modification has been made to the third condition to clarify that the construction of any improvement shown on the Master Plan shall commence within three years from the Board approval date or the special use permit will expire.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve this special use permit, with the conditions attached thereto.

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Ms. Claudette Grant, Senior Planner, addressed the Board, stating the Montessori Community School is located along Richmond Road (Route 250), and a portion of the school property is zoned Commercial Office, which allows offices supporting commercial and service uses by right, and residential and schools of special instruction by special use permit. Ms. Grant stated the school recently purchased the adjacent property, the former American Legion parcel, and it is zoned Highway Commercial, which allows commercial and service uses, and residential uses by special use permit. She said a private school use is allowed by right in this district. She said the Pantops Master Plan designates most of this property as urban density residential, which allows 6-34 units per acre and supporting institutions such as religious institutions, schools, commercial and office uses. Ms. Grant stated that a small portion of the property is designated urban mixed use that allows retail, commercial services, office, and a mix of residential types. She said the applicant is requesting to amend SP2006-00038, and SP2009-00001 as they intend to merge and improve the two parcels into a campus with a more cohesive, continuous layout. Ms. Grant presented a revised concept plan with vehicular, pedestrian and landscape improvements, and specific details regarding the improvements can be found in the staff report. She stated the Planning Commission held a public hearing on September 1 and recommended approval with conditions, and staff recommends that the Board adopt the resolution approving SP2015-00011 with the conditions as shown.

Mr. Boyd asked if they are adding an entrance onto Route 250 with this proposal. Ms. Grant responded it is an existing access point, and it will be a right turn out exit only.

Mr. Boyd stated there is a constant flow of traffic on Route 250 and it is a dangerous situation, and the traffic never stops because when the traffic light is red, there are people coming out the back entrance of the cut through from Fontana.

Ms. Mallek said if people at the school need to go east, they would take the internal circulation and go back to the light at Rolkin Road.

Mr. Boyd said Rolkin does not bother him, it is the particular entrance that dumps a lot of traffic onto 250.

The Chair opened the public hearing.

There was no comment offered, and the Chair closed the public hearing.

Mr. Boyd then **moved** to adopt the proposed resolution to approve SP201500011 Montessori Community School of Charlottesville subject to the recommended conditions. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.
NAYS: None.

(The adopted resolution and conditions are set out in full below:)

RESOLUTION TO APPROVE
SP 2015-11 MONTESSORI COMMUNITY SCHOOL

WHEREAS, the Montessori Community School of Charlottesville is the record owner (the "Owner") of Tax Map and Parcel Numbers 07800-00-00-012A0 and 07800-00-00-011B0 (the "Property"); and

WHEREAS, the Montessori Community School was located at the Pantops Mountain location in 1991, and the Board subsequently approved a series of special use permits and amendments thereto including, but not limited to a special use permit to allow the school to expand (SP1999-04), a special use permit to amend SP 99-04 to allow the replacement of modular trailers with permanent buildings for 40,700 square feet of building area (SP2006-38), a special use permit to extend the approval of SP2006-38 (SP 2009-01), and a special use permit to amend the special use permit conditions regarding fencing and the construction of proposed buildings (SP 2014-02); and

WHEREAS, the Owner has now submitted an application for a special use permit to amend SP 2006-38 and SP 2009-01 to revise the site layout, concept plan and conditions, and the application is identified as Special Use Permit 2015-00011 Montessori Community School ("SP 2015-11"); and

WHEREAS, on September 1, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-11 with conditions recommended by staff; and

WHEREAS, on October 14, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-11.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-11 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 §§ 18-23.2.2 (6) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-11, subject to the conditions attached hereto.

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SP-2015-11 Montessori Community School Conditions

1. Enrollment shall not exceed three hundred (300) students;

2. Development of the use shall be in general accord with the "Mountaintop Montessori School, Sheet 2, entitled Master Plan", prepared by Water Street Studio, dated February 17, 2015, revised June 15, 2015, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the general size, arrangement,

and location of buildings, the Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and

3. Construction of any improvement shown on the "Master Plan" referenced in Condition 2 above shall commence by October 14, 2018 or this special use permit shall expire.

Agenda Item No. 14. **PUBLIC HEARING: PROJECT: SP-2014-00016. Canaan Christian Church (Sign 84).**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 08000000002100. LOCATION: 860 Hacktown Road.
PETITION: Request for a special use permit for a 150 seat church in the Rural Areas. Church had a previously approved special use permit that has expired (SP2002-056). No residential uses proposed.
ZONING: RA Rural Areas- preserve and protect agricultural, pace, and natural historic and scenic resources/density (0.5 units/acre in development lots). Churches by special use permit in accordance with 10.2.2.35.
ENTRANCE CORRIDOR: Yes.
COMPREHENSIVE PLAN: Rural Areas in Rural Area 2.
(Advertised in the Daily Progress on September 28 and October 5, 2015.)

The executive summary as presented by staff states that at its meeting on September 1, 2015, the Planning Commission ("PC") voted 6:0 to recommend approval of SP201400016, and recommended that two conditions be added to the special use permit to further reduce the impact of the church to the neighboring properties. The conditions are to not allow outdoor amplified sound or outdoor lighting of any kind.

After the PC public hearing, staff concerns arose regarding the condition to not allow any outdoor lighting. No outdoor lighting of any kind creates an unsafe condition for the church and its members during the winter months and when activities, such as bible study, take place in the evening. Staff recommends that the Board modify the condition so that some outdoor lighting is permitted.

Staff has provided two resolutions, one that includes the two additional conditions as recommended by the PC (Attachment A), and one that includes a modified lighting condition (Attachment B). The modified condition is the standard lighting condition that is used for uses in the Rural Areas and requires that the lights be shielded from abutting properties by a full cutoff luminaire and that the amount of spillover be reduced. This is a higher standard that what the lighting ordinance requires. The lighting ordinance would require that outdoor lighting be shielded by a full cutoff luminaire only if the lamp emitted 3,000 or more maximum lumens. The lighting ordinance also limits the spillover of outdoor lighting to not more than one-half (0.5) foot candles at the property line or edge of the public right-of-way. The recommended condition lowers that limit to 0.3 foot candles.

The County Attorney has prepared the attached two Resolutions (Attachment A and B) for the Board's consideration. The Planning Commission's Action letter, Staff Report and minutes from the September 1, 2015 meeting are also attached (Attachments C-E).

Staff recommends that the Board adopt the Resolution to approve SP201500009 with the modified lighting condition (Attachment B).

Ms. Meghan Yaniglos, Principal Planner, addressed the Board, stating this is a request for a special use permit for a 150-seat church in the rural area, which was originally approved in 2003, but that SP has expired so the applicant is back for re-approval. She stated the parcel is approximately 6.9 acres located on Hacktown Road and presented a map showing the area and noting the forested and open areas on the parcel. Ms. Yaniglos stated the location and size of the church have been modified slightly from the original approval, and the entrance has been located further to the south so it does not impact an existing driveway, while still maintaining required VDOT site distance. She stated the parking has also been modified so that it provides better vehicular and pedestrian circulation, and since the approval Hacktown Road has been upgraded and paved. Ms. Yaniglos said the church is proposing to be a one-story, 5,500 square foot facility with 50 parking spaces, and there have been concerns raised by citizens regarding traffic and privacy. She stated VDOT has reviewed the proposed entrance and has no concerns with the location or the amount of traffic generated with the use. She said the applicant has proposed evergreen screening to help address privacy concerns, and staff also added a condition to provide additional screening along a vegetative line where there is an existing 100-foot buffer to help address privacy concerns. Ms. Yaniglos stated the Planning Commission recommended approval with two additional conditions, no outdoor lighting or amplified sound. She said since that meeting, staff has expressed concern about the lighting condition because it could create unsafe conditions for church members during the winter months and evening hours, and staff modified the condition as reflected in Attachment B so that some outdoor lighting is permitted. Ms. Yaniglos said it is a standard lighting condition used in rural areas, and it requires a higher standard than what the ordinance allows, and the lights must be shielded from abutting properties, with less spillover allowable at the property line.

Ms. Yaniglos stated the favorable factors are that no significant changes have occurred since the prior approval; no impacts would be created with the proposed church and it is consistent with the criteria in the Comp Plan. She said staff did not identify any unfavorable factors, and staff recommends adoption of the resolution with the modified lighting condition.

Mr. Boyd said Ms. Yaniglos had indicated there have not been any changes to the area, but asked if there had been several homes built in the area. Ms. Yaniglos responded she had received an email from one resident who has a home in the area, and to her knowledge that is the only home built since the original SP approval.

Ms. Mallek asked if there have been changes in process on the County's end as far as a higher performance standard. Ms. Yaniglos stated the criteria for review has been the same for the most part, with the recent criteria in the Comp Plan for new uses in the rural area such as artist communities, but she did review this against that criteria. She said the big change was the process with community meetings for special use permits, and she held one community meeting but only one resident attended. She noted one adjacent property owner had not been notified because they were in the process of purchasing, but they were able to meet with the church and offer some concerns, which the church addressed by providing additional screening from the neighbor's driveway.

Ms. Mallek commented what used to be one hour a week on a Sunday has evolved into several hours during the week, and that is true for churches throughout the County not just this one.

Ms. McKeel stated she has not seen anything in the report specifically about parking, and the letter from the neighbor had raised concerns about it. Ms. Yaniglos responded the applicant will be required to meet the minimum amount of parking, and they are showing what is required for the 150 seats. She confirmed the applicant had met the threshold to meet ordinance requirements.

The Chair opened the public hearing, and asked the applicant for comments.

Mr. Robert Williams, Engineer for the applicant, addressed the Board on behalf of the applicant, Kingdom Christian Church. Mr. Williams stated the church had attempted to build their facility 13 years ago, but several factors, including the economy, delayed that process until now. He said the church pastor and members of the congregation are present at the meeting.

Mr. Boyd stated one of the concerns from neighbors is that the church is already at capacity, with 150 parishioners. Mr. Williams responded the maximum attendance currently is about 100 people, so there is room for growth.

Ms. Mallek asked if the topography on the developed part of the land allows for additional parking to be put behind the site. Mr. Williams explained they originally had the parking on the opposite side of the building because it was more of a gentle slope, but due to the adjacent property owner's concerns about privacy, the applicant moved it to the other side where it is lower in elevation and provides the ability to screen it from most of the neighbors. He added there is also the opportunity to expand the parking if necessary, taking it farther down and away from the building, confirmed the parking will be in the "neck" area of the site.

Ms. Mallek asked if the swale or drainage connection for the BMP is just a grassed in area now. Mr. Williams explained it is a built up diversion and is an attempt to try to minimize the amount of disturbance to direct the water to the BMP, and it would be catching the water coming from the site and directing it southwest to the BMP facility.

Ms. Mallek asked if it will have to have a constant gradient going down to it. Mr. Williams responded the diversion is typically a three-foot swale and a three-foot berm, and in doing the conceptual design that was the least impact on the existing wooded area.

Mr. Boyd asked parishioners in the audience to raise their hands.

The Chair then asked for other comments from the public hearing.

Mr. Levi Anderson addressed the Board, stating he is the property owner on Hacktown Road directly behind the proposed church building site. He stated late last year when he and his wife began the process of purchasing the property, there were no plans for this facility, and the property had been vacant for more than 10 years. Mr. Anderson said he and his wife built a house and moved in May of this year, and finding out that the church will be built here will be devastating as they moved to this area because it was residential. He stated the entire community feels this way and has signed a petition, and he presented the petition. Mr. Anderson said not one person he approached did not adamantly sign the petition. He stated many of the residents have been in the community for 20 years, 50 years, or longer, and they live in the area because they enjoy the peace and quiet. He stated they do not want to live near public buildings, noise and traffic, and this church will be an invasion of that, so it would not be appropriate to force this on them. Mr. Anderson said the established community does not support this, and the church is not supporting the community because it would be bringing 100% outside traffic. He stated while VDOT says they approve the road, but two cars cannot navigate the intersection of Keswick Road and Hacktown Road at the same time because it is so narrow. Mr. Anderson said the road is lightly used now, and Ms. Yaniglos' report stated that the church will generate less traffic than three homes, but he does not see how that is possible as one church service will be much larger than that. He stated once the church gets the approval, there is no limitation on the number and duration of events they can have.

Mr. Lorenzo Fields addressed the Board and stated he lives four lots away from the proposed church site, and pointed out the location of his property on the map provided by staff. Mr. Fields stated the traffic in the road is very dangerous, and there is a 35 mile per hour speed limit but people drive 45 or 50. He said he has lived here for 47 years, and it was better before the road was paved because people came through at a slower pace. He noted he attends Union Run Baptist Church nearby, which has 150 members, and for funerals and events people have to park on the side of the road. Mr. Fields stated the water situation in the area is awful, and he has seven wells on his property and is going to have to drill another one because his neighbor drilled a 1,000-foot deep well, which tapped into his aquifer and greatly reduced his water pressure. He said this is a quiet, nice community, and he plans to be there for a long time, and he hopes the church can find another location because the Hacktown Road site is dangerous and has several problems.

Ms. Lena Anderson addressed the Board, stating the man who originally owned the property that she and her husband purchased had to dig wells all over before he eventually hit water. Ms. Anderson stated this is a small, quiet neighborhood, and having a public building is not a good fit, with everyone in the neighborhood signing a petition against the church use.

Mr. Williams readdressed the Board and said there had been a community meeting about the project in which just one person showed up. He stated that notices are sent out to all neighbors, and they are free to comment, call or email, and except for Mr. Anderson and the one meeting attendee, there had been no feedback from the neighborhood. He said the church wants to be a good neighbor and have owned the property for 13 years, and now want to realize the dream they had for this long.

Ms. Palmer asked Mr. Williams to address the water and sewer issues. Mr. Williams responded that a septic drain field had previously been designed and approved by the Health Department, and the water consumption from this church will be no more than a single-family home as they are going to have services just three nights per week, two hours per night. He stated the drain field approved for the church was a 600 gallon per day drain field, and his research showed the septic design for a neighboring single-family home is 450 gallons per day, and the church would have much less water usage than a residence.

Ms. Palmer asked if the church has to have a septic field re-permitted, and noted the laws have changed a bit since the original permit. Mr. Williams responded they will have to get a new permit, and the feedback from the Health Department is that the original application was for a proposed 200 seats, with an estimate of three gallons per day, but they decided it should be four gallons per day so the church elected to reduce its seating to stay within the design parameters.

Ms. Yaniglos noted it is a condition that the applicant get Health Department approval.

Ms. Palmer asked how they know when a facility exceeds its permitted size. Ms. Yaniglos said they really do not.

Mr. David Benish, Acting Director of Planning, stated it is an enforcement issue, so it will be complaint-driven and would need to be surveillance and monitoring of the site, and/or request for information from the church.

Ms. Palmer asked if the neighbor concerns had come up at the Planning Commission. Ms. Yaniglos responded they had, and said that Mr. Anderson had spoken at the Commission hearing as well.

Mr. Sheffield asked why a limit had been put on the original special use permit, because the County has SPs now that do not expire. Mr. Davis explained the ordinance, at the time provided, that a special use permit would expire one year from the date of approval unless there was a different date stipulated, and it is a standard procedure for the County to put time limits on special use permits.

Mr. Sheffield asked how many homes can be built on this parcel by right. Ms. Yaniglos stated it is a seven-acre parcel, so three homes can be built.

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

Ms. McKeel said she has some concerns about what she is hearing regarding water and septic issues, and asked staff to comment.

Ms. Yaniglos stated staff relies on Health Department information prior to issuing a building permit, and the information indicated that they did receive a prior permit. She said it is a standard procedure to have a condition that a Health Department permit must be obtained during the building permit stage, and staff will also require information during the site plan review of the church.

Mr. Davis clarified the applicant will have to meet all current requirements for both water and sewer that apply to all site plans.

Mr. Boyd asked if that includes pre-drilling of a well to see what kind of volume they will get. Mr. Davis responded it does require a demonstration that water is available.

Ms. Yaniglos stated they will have to do a groundwater assessment as part of the site plan.

Mr. Benish noted the permitting is for the well being drilled, so it is drilled and tested for a minimum flow requirement, and ultimately to get the final approval, they will have to drill the well.

Ms. Palmer asked if they have to have a minimum flow requirement that is different for a church or a house. Mr. Benish responded he cannot answer that with any authority, but one thing to keep in mind is that single-family residential units have more of a constant use of water, with an ongoing charge and recharge; whereas uses like churches have an infrequent use, so there is heavy use at the times there are services or meetings, followed by a recharge period when there is little or no activity. He stated because of that, wells for facilities like churches tend to function more efficiently because of the recharge opportunity.

Ms. Mallek said the church is proposing to use the facility four or five days per week, so the recharge will only be about 24 hours. Mr. Benish said that is different than seven days per week, so the standards for churches are surprisingly low despite a high volume of people, because of the periodic usage and recharge opportunities. He noted he is not an expert in this area, but this is something he has learned over time.

Ms. Mallek stated there would have to be a new process for the perk test because using today's rules, and that has not been done yet. Ms. Yaniglos said it is required for the site plan process.

Ms. Mallek said if the area designated does not perk, all of the details on which the Board based their decision will be different, and they have gotten into that situation before. She said, for example, if the forested area intended for use does not perk, the applicant will end up clearing forest in a different area, and she cited a recent Piney Mountain church example that had been problematic.

Ms. McKeel commented that it feels a bit out of order to her.

Ms. Dittmar stated it does not seem that way to her, despite the situation to which Ms. Mallek referred. She said the first step is to look at the special use permit and then if something happens and it does not perk or there are other issues, it will get held up at the site plan stage.

Ms. Mallek pointed out that if they do not put it in the conditions, it will not come back to the Board.

Mr. Davis said the first condition of this special permit ties certain elements shown in the concept plan which stipulates that the location of the buildings, parking, entrance, and landscape screening has to be as shown on the concept plan, so if it does not perk and the major features are changed in the rearranging of the site, this will have to come back to the Board for a special use permit amendment. He stated the purpose of condition #1 is to address the concern of major elements shifting because of an onsite problem, and this allows for additional legislative review if that happens.

Ms. Mallek asked if this goes beyond general accord. Mr. Davis responded this is general accord, but these major elements have to be generally where they are shown on the plan without a major shift of those elements.

Mr. Sheffield stated if they move forward with this, they should expand the conditions to preserve the forested area behind the church as shown in the concept plan because if lighting is allowed after dark and they are uncertain about where septic will go, the applicant could easily clear the property for septic and Mr. Anderson's property would be further adversely impacted by light pollution.

Mr. Davis asked staff what is identified as landscape screening on the plan.

Ms. Yaniglos noted the location of additional landscape areas on a map, and said the application plan shows screening along the edge of the existing buffer tree area in a separate condition #6, not in condition #1.

Ms. Mallek pointed out that it does not apply to the west where the neighboring house is that will be affected, and if the forest in the western and southern sections is removed it will increase the visibility for the neighbors.

Ms. Yaniglos stated they can add language that specifies the wooden area to the rear of the church along the west property line.

Ms. Palmer asked if the section to the south is also wooded. Ms. Yaniglos said she believes it is, but the actual aerial photograph they are using is old.

Mr. Sheffield commented that the concept plan has been turned upside down.

Ms. Palmer asked if the condition addressing outdoor lighting and amplified music in Attachment C is an older version. Ms. Yaniglos clarified it is. She added that in staff's Attachment A and Attachment B are the updated resolutions, with B including the modified outdoor lighting condition, and "A" from the Planning Commission recommending no outdoor lighting; the noise condition is in both.

Mr. Boyd asked where the condition stipulating that there be no removal of forest area or vegetation will be added. Ms. Yaniglos said it will be added as letter "e" under condition #1 as one of the major elements.

Ms. Mallek stated what she had asked about is a different quadrant, where they will be putting the septic field and the biofilter, not the quadrant with the building. Ms. Yaniglos said they could either specify the septic drain field location as shown on the plan as a major element in the BMP, or they can reference the wooded area, but that might be a bit harder to identify.

Mr. Davis stated it would be easy to add the existing drain field as a substantial element, if they feel that is important.

Ms. Mallek clarified the only issue is the deforestation, and the applicant has already cleared the area where the proposed drain field will be, so if they have to scrap that location they will end up doubling the amount of trees being cut down.

Mr. Davis stated that if the Board wants the applicant to amend the SP if he has to relocate the drain field, then they should add that condition, understanding they could not relocate it in a place that would cause any of the other features to be moved. He said if the Board is satisfied that the other identified features on the concept plan are all that is necessary to be assured the site will develop in a way that is consistent with their approval, then they do not have to add the drain field.

Ms. Dittmar stated that her only thought is whether the applicant has to go through an approval process if the Health Department says they have to move the drain field over slightly, and her concern is the church having to come back before the Board.

Mr. Davis stated that moving it from one side of the property to the other, it would not meet the general accord standard, but if it is just a small deviation that does not cause the other elements to be substantially modified, it would still be in general accord.

Mr. Benish said with this plan, the only things approved in that area are the drain field and the stormwater, and if they can shift subtly then that is what the plan allows.

Ms. Palmer stated they are just trying to get the best screening possible, and the question is whether they have done that by adding the one area of woods.

Ms. Yaniglos pointed out they are also requiring condition #6, which is additional screening along the edge that they have also identified as a major element, so the applicant is supplementing additional screening that will be evergreen, in addition to preserving that wooded area.

Ms. Mallek asked if staff had seen trees when they visited the site, because the aerial photo does not show any trees in the area they are talking about. Ms. Yaniglos presented photos of the site and pointed out the existing buffer looking to the west from the open field area, and said that will not be removed, with additional landscape screening to be added in front of it.

Ms. Mallek said the aerial shows the area between the church building and the Anderson's house has been completely cleared, and she is confused at the statement that it is a wooded area. Ms. Yaniglos suggested the applicant clarify the locations.

Mr. Williams addressed the Board again and stated that the ordinance requires a 20-foot buffer along the common property line, and the applicant's intent was to leave more than that in place and supplement it with evergreen, because most of it is deciduous. He said they would like to create as much of a buffer between the church and the residents as possible, and they would like to preserve the ability for the church to be able to expand into the neck area into the other portion in the future, although those plans do not exist now. He stated the drain field shown is conceptual, and the idea is to put it in a remote portion of the site, but its precise location will be dictated by percolation tests and profile holes done by the soils engineer, and that is done prior to any clearing for the drain field.

Ms. Mallek said the Board has been led to believe that the area shown on the map had already been cleared. Mr. Williams responded that it is wooded.

Ms. Mallek asked if there is an engineering reason why the bio-swale cannot be closer to the neck, to reduce the disturbance all the way from the neck to the far corner. Mr. Williams said the bio-retention area was put as close to the outfall as possible down to the developed area in an attempt to send the water to that remote spot with as little land disturbance as possible, with the diversion dyke. He said that if desired they can look at moving it closer to the developed area, but that would be handled during the site plan process.

Ms. Palmer asked why the church had reduced the seating because of a well issue yet was talking about future expansion. Mr. Williams said the applicant has 6.9 acres and is developing the front portion, and any expansion will have to come before the Board for approval.

Ms. Dittmar stated if this were approved tonight, there would need to be a whole separate process for any expansion, and that needs to be clarified for concerned neighbors.

Mr. Davis clarified this special use permit, with the conditions in place, limits the development to a 150-seat church with the footprint shown on the concept plan, so no additional seats can be added and no expansion can take place without a separate special use permit process, which would require a public hearing at the Planning Commission and Board levels. He stated with a legislative process, there is no guarantee that any expansion would be permitted in the future, and it would be evaluated on its own merits at the time.

Mr. Sheffield stated that by approving this, they are pushing the domino to set that expectation for the future. He said he is concerned about the traffic now, and any future additional use will push it over the edge.

Ms. Dittmar said if the church engages in a special use permit process for expansion and has been really good neighbors, then they might have a chance at that, but if they have not been good neighbors, they will probably not have that chance.

Ms. Palmer stated her sticking point is trying to increase the buffer because the required 20 feet is practically nothing, and she asked what the total buffer will be if it includes the evergreen buffer in front of that. Mr. Williams responded that from the plan there is approximately 60-70 feet of buffering, and they are going to supplement the existing deciduous trees with evergreens so it will be a year-round buffer. He noted that everything beyond the church and parking area is wooded.

Ms. Yaniglos pointed out the existing driveway and the location of the proposed entrance, noting the location of the existing woods.

Ms. Palmer asked for clarification that the applicant has no buffer along the existing driveway and does not plan to use that driveway. Ms. Yaniglos responded they are proposing a buffer along the edge of that driveway.

Mr. Williams said it is an additional buffering along the existing driveway, and a double row of evergreens is proposed to screen the church from the adjacent property. He noted the condition had been added to provide the evergreens, and he is estimating the distance from the plan.

Ms. Yaniglos stated there is wooded area there, but it needs to be surveyed to determine actual depth, and there would be an additional 20 feet of screening.

Ms. Palmer said it would be something in the 80 feet range.

Mr. Williams said that is what he estimated from the plan.

Mr. Sheffield commented they are trying to mitigate a certain use into another use.

Ms. Palmer said they are trying their best to get the shielding accomplished.

Ms. McKeel commented that traffic is also a concern.

Board members asked Mr. Boyd for his opinion of the special permit since it is in his district.

Mr. Boyd stated that he empathizes with both groups, but he is leaning towards approving it. He said he feels for the Andersons, but also realizes that churches tend to be good neighbors, and this particular church is willing to do whatever is necessary to achieve that.

Mr. Boyd then **moved** to adopt the proposed resolution to approve SP-2014-016, Canaan Christian Church, subject to the conditions as recommended by staff, and to add condition 1e, which would provide that the wooded area to the west of the church was a major element of the concept plan. Ms. Palmer **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Boyd and Ms. Dittmar.
NAYS: Mr. Sheffield and Ms. Mallek

(The adopted resolution and conditions are set out in full below:)

RESOLUTION TO APPROVE
SP 2014-16 CANAAN CHRISTIAN CHURCH

WHEREAS, the Canaan Christian Center (the “Owner”) is the record owner of Tax Map and Parcel Number 08000-00-00-02100 (the “Property”); and

WHEREAS, the Owner filed an application in 2002 for a special use permit to build a church (SP2002-056), which was approved by the Board in June 2003, but the Owner did not commence the use within the five year timeline due to financial constraints; and

WHEREAS, the Owner filed a second application to build a church with a 150-seat sanctuary and 50 gravel parking spaces on the Property, and the application is identified as Special Use Permit 2014-00016 Canaan Christian Church (“SP 2014-16”); and

WHEREAS, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-10.2.2(35); and

WHEREAS, on September 1, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-16 with modified conditions, including a new condition prohibiting all outdoor lighting; and

WHEREAS, on October 14, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-16.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2014-16 and all of its attachments, including staff's expressed concerns about prohibiting all outdoor lighting if the church holds evening events and activities, 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 2014-16, subject to the conditions attached hereto.

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SP-2014-00016 Canaan Christian Church Conditions

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Permit SP2014-016 Canaan Christian Church" prepared by Williams Enterprises Incorporated Land Development Design and dated June 2015 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
   - *a. location of buildings and structures*
   - *b. location of parking areas*
   - *c. location of entrance*
   - *d. landscape screening*
   - *e. wooded area to the west of the church*

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

2. The area of assembly shall be limited to a maximum of one hundred fifty (150) seat sanctuary;
3. There shall be no day care center or private school on the site without approval of a separate special use permit;
4. Health Department approval of a well and septic system shall be required prior to the issuance of a building permit;
5. Commercial setback standards, as set forth in Section 21.7 of the Zoning Ordinance, shall be maintained adjacent to residential uses or other Rural Area zoned property;
6. Screening in accordance with Section 32.7.9.7 shall be provided along the tree line on the west/rear of the property to screen the parking and church from the adjacent property;
7. Right of way dedication of thirty (30) feet from the existing centerline of Hacktown Road (Route 744) along the entire property frontage shall be required prior to the issuance of a building permit.
8. The use shall commence on or before five (5) years from Board approval or the permit shall expire and be of no effect;
9. The outside play area activities shall be limited to only take place during daytime hours. Lighting of the play area shall not be permitted. The play area shall be located as far away as possible from the adjacent residential properties, but in no case shall the play area be located closer than seventy-five (75) feet from any adjacent property line. The outside play area location shall be depicted on the site plan.
10. Outdoor amplified sound shall not be permitted.
11. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.

(Note: The next three items were heard concurrently:)

Agenda Item No. 15. **PUBLIC HEARING: Community Development Fees:**

Item No. 15a. **STA 2015-00002 Fees.** Ordinance to amend Sec. 14-203, Fees, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Sec. 14-203, Fees, by increasing all current fees imposed in that section by up to eight percent (8%), rounded to the nearest dollar, an increase that reflects the increase in the County's reasonable costs to provide services for which each fee is imposed since 2009, when the current fees were established after a comprehensive study; and to impose fees to review a subdivision plat following final site plan approval in the amounts of $1,075 (1 to 9 lots), $1,182 (10 to 19 lots), $1,322 (20 or more lots). The proposed fees and fee increases are authorized by Virginia Code § 15.2-2241(9). *(Advertised in the Daily Progress on September 28 and October 5, 2015.)*

Item No. 15b. **ZTA 2015-000011 Fees**. Ordinance to amend Secs. 35.1, Fees, 35.2, Calculation of fees in special circumstances, to add a new Sec. 35.3, Mode and timing for paying fees, and to amend and renumber current Sec. 35.3 (to Sec. 35.4), Fee refunds, of Chapter 18, Zoning, of the Albemarle

County Code. This ordinance would amend Sec. 35.1, Fees, by increasing all current fees imposed in that section by up to eight percent (8%) (excepting two classes of temporary sign permit applications for which no fee is imposed), rounded to the nearest dollar, an increase that reflects the increase in the County's reasonable costs to provide services for which each fee is imposed since 2009, when the current fees were established after a comprehensive study; and to impose a new fee for applications to the board of zoning appeals to interpret a district map ($258.00), and for variations or exceptions under Sec. 32.3.5 before ($892.00) and after ($892.00) approval of a final site plan; amend Sec. 35.2 to clarify the text without changing its substance; to add new Sec. 35.3 to state the mode (cash or check) and timing (when application submitted, subject to specified exceptions) for paying fees; and to renumber current Sec. 35.3 to Sec. 35.4. The proposed fees and fee increases are authorized by Virginia Code §§ 15.2-2241(9) (pertaining to Sec. 32, Site Plans) and 15.2-2286(A)(6). *(Advertised in the Daily Progress on September 28 and October 5, 2015.)*

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Item No. 15c. **BTA-2015-00001. Building Fees.** Ordinance to amend Secs. 5-201, Fees for building permits, 5-202, Fees for electrical permits, 5-203, Fees for plumbing permits, 5-204, Fees for mechanical permits, 5-205, Fees for amusement devices, 5-206, Fee for demolition permits, 5-207, Fees for zoning inspections, and 5-208, Fees for other permits, plan amendments and reinspections, of Chapter 5, Building Regulations, of the Albemarle County Code. This ordinance would amend Secs. 5-201, 5-202, 5-203, 5-204, 5-205, 5-206, 5-207 and 5-208 to increase the fees charged for almost all listed applications, permits, reviews, approvals, inspections and other services provided by the County in the administration and enforcement of Chapter 5 of the Albemarle County Code, and would amend Sec. 5-207 to delete two classes of fees and to clarify the services provided for other fees therein. The proposed fee increases of approximately 8% are necessary to defray the costs for enforcing the building code and related appeals. The proposed fee increases are authorized by Virginia Code § 36-105. *(Advertised in the Daily Progress on September 28 and October 5, 2015.)*

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The executive summary as presented by staff states that on April 1, 2015, the Board of Supervisors directed staff to amend fees contained in the Building Regulations, Subdivision and Zoning Ordinances. The purpose of this public hearing is for the Board to consider the public input and act on the proposed fee changes.

At its meeting on September 22, 2015, the Planning Commission voted 6:0 to recommend approval of STA2015-00002 and ZTA2015-00011 to amend the Subdivision Ordinance and Zoning Ordinance fees as recommended by staff. The Planning Commission does not review or make recommendations on the County's building regulations in Chapter 5 of the County Code.

Based on Board policy, fees should be adjusted by 7.5%. The County Attorney has prepared the attached Ordinances (Attachments A-C) reflecting the recommendations of the Planning Commission on STA2015-00002 and ZTA2015-00011 and the recommendations of staff regarding the amendments to the fees in Chapter 5. The Planning Commission's action letter, Staff Report and minutes from the September 22 meeting are also attached (Attachment D-F).

Staff recommends that the Board adopt the attached Ordinances (Attachments A, B and C) to amend the fees in County Code Chapter 5, Building Regulations, Chapter 14, Subdivision of Land, and Chapter 18, Zoning.

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Mr. Mark Graham, Director of Community Development, addressed the Board and stated that in April staff had brought forward a resolution of intent to amend the fees consistent with a previously adopted policy regarding fee increases. He stated the Board had considered a fee study in 2007, and there were two important parts to the recommendation. He said the first was that the Board develop a cost recovery policy, which they did through a blended approach whereby the fees were seeking full cost recovery, but were also focused on consistency with similar localities, which led to a different approach with different ordinances. Mr. Graham stated the second approach was to adjust the fees on a regular basis based on budget growth each year, recognizing that costs were increasing and the fees needed to keep pace with that. He said there was an assumption that they would be doing this biannually in anticipating at least a 5% increase, but they went through a number of years when they did not have the increase.

Mr. Graham reported the first fee changes were done with building regulations, in August 2008, which allowed for recovery of 100% of estimated direct costs, while maintaining consistency with other localities. He said the second fee change responded to the Virginia Stormwater Management Program mandate, with those fees designated to cover 100% of direct costs and maintain 50% of remaining costs, and staff is planning to come back to the Board with consideration of the VSMP in 2016. Mr. Graham stated in May 2009, the Board revised the fees for the subdivision ordinance to recover about 50% on average, and since then there had been some process improvements that eliminated the need for Planning Commission, and the revisions still allowed for 50-60% of the costs to be recovered through fees. He said the final change was to zoning fees, and after not approving the fees in 2009, the Board came back and approved them in August 2010. Mr. Graham stated the zoning fee cost recovery ranged from 10-100%, and it was the most difficult fee changes for the Board to handle.

Mr. Graham presented a graph showing when the fee changes were done and the associated revenue increases, and said that today the fees generate approximately $700,000-800,000 in additional revenue. He noted in terms of net operating costs for Community Development, there was a significant decrease, but costs have been creeping up over the last few years due to salary increases, and with this fee increase they would likely drop back down to 2013-14 levels.

Mr. Graham reported that since April 2015 with the resolution of intent, staff has been working on this and have done fee adjustments based on a cumulative increase of 7.5%, and they have verified that the fees are consistent with other localities. He stated that all forms have been updated, and the public has been advised of the proposed fee change, with a recommended date of enactment of November 1, 2015. Mr. Graham noted they have done some community engagement with this, including handouts at the Community Development desk and explanations to customers, with no responses or questions in regard to the increases. He said they had also put out notices through A-mail, with only two responses received, which pertained to property taxes and not the fee increases. Mr. Graham said they held a public roundtable on September 21 in advance of the Planning Commission public hearing, but there were no participants and no questions or comments received via email or other means. He stated there were no public comments offered at the Planning Commission's hearing on September 22, and the Commission recommended the ordinance as presented. Mr. Graham said that staff recommends the Board hold a joint public hearing for both the subdivision and zoning and building ordinances, and has put together a recommendation for each of those three items.

Ms. Mallek asked if the zoning fees are those only designed to recover 50%. Mr. Graham responded they actually recover an average of 50%, with 10% or less recovered for zoning map amendments, and almost 100% recovered for zoning inspection fees.

Ms. Mallek noted those are lower cost items at $20 rather than $2,000. Mr. Graham said that is correct, and stated the special use permit and rezoning applications have by far the largest variation in fees, and Albemarle charged $2,500 for an application that cost $86,000 in a nearby locality. He said at the time, the Board had wanted to try to be similar to what they saw in neighboring localities or similar localities, and the fees chosen balanced those interests.

Ms. Mallek stated it was a tug of war at the time because the fee study was based on a minimum 75% range of recovery, and this was a last minute change before it was adopted to ratchet it back so low. She said that given how this item was advertised, they could not do anything to it at this meeting, but they could revisit it later.

Ms. Palmer asked if staff had already reviewed the keeping of the time item. Mr. Graham explained it will be based on putting some time-keeping system in place, but that was not done yet although it was requested in the CIP.

Ms. Palmer asked if he feels they need one, and whether it is something he would use if staff has the time. Mr. Graham responded if the Board is interested in setting new fees, especially for the zoning ordinance, it would be a very major undertaking for staff to do it, and the cost to get through the process is low to mid six figures, with a major commitment from staff that would impact the work program. He added it is something that will need to be balanced against other Board priorities.

Ms. Mallek said in the fee study, staff has done a good allocation of studying how much time was routinely spent by the most experienced staff people, so it was not an exaggeration of the time required, and she feels very comfortable that they have gathered a lot of useful information for this.

Ms. Dittmar asked if they need to hold separate public hearings. Mr. Davis recommended they hold one public hearing, but said the Board will need to take separate motions on each item.

Mr. Boyd stated he is very concerned about affordable housing in the County, and said it is tremendously expensive to buy affordable housing here, which is driving working people into Staunton and into other counties. He said it is bothering him that they are talking about raising fees when there is such a lack of affordable housing. Mr. Boyd stated he had recently done the "parade of homes" in the area, and found that it will cost him $100,000-200,000 more for 1,000 or 1,200 square feet less unless it was a fixer upper.

Ms. Palmer said it bothers them all a great deal, but she is not sure that the County not covering its fee costs will translate into lower housing prices.

Ms. Mallek stated that prior to having proffers or higher fees, there were no affordable units built because the biggest return was for larger homes, but the fee cost recovery should be separated from the affordable housing issue.

Mr. Boyd said he voted in favor of this before and was in favor of the County trying to recoup its costs, but it is hitting home for him in terms of how expensive it is to live in this community.

Ms. Dittmar stated the good news is that there are fixer uppers available, and this is how the private sector and the market started all over again.

Mr. Boyd said this is a concern that leaks into their land use and affordable housing policies, but he does not feel the affordable housing policy is working outside of a little bit of education and down-payment assistance. He stated that Vito Cetta had indicated the proffer system, as currently designed, can only work with an $800,000 to $1,000,000 home.

The Chair then opened the public hearing. There being no public comment, the Chair closed the public hearing.

Mr. Davis noted that pursuant to Mr. Graham's recommendation, the intent is for each ordinance to be effective November 1, 2015.

Mr. Graham said the three motions he prepared include that effective date.

Ms. Palmer offered **motion** to adopt the proposed ordinance to approve BTA-2014-00001, as recommended by staff with an effective date of November 1, 2015. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Ms. Dittmar and Ms. Mallek.
NAYS: Mr. Boyd.

(The adopted ordinance is set out in full below:)

ORDINANCE NO. 15-5(1)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, ARTICLE II, FEES, 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 5, Building Regulations, Article II, Fees, is hereby amended and reordained as follows:

By Amending:
Sec. 5-201 Fees for building permits
Sec. 5-202 Fees for electrical permits
Sec. 5-203 Fees for plumbing permits
Sec. 5-204 Fees for mechanical permits
Sec. 5-205 Fees for amusement devices
Sec. 5-206 Fee for demolition permits
Sec. 5-207 Fees for zoning inspections
Sec. 5-208 Fees for other permits, plan amendments and reinspections

Article II. Fees

Sec. 5-201 Fees for building permits.

The fees for building permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be $0.53 per square foot, calculated on gross finished square footage. The minimum fee shall be $80.00.

B. *Accessory residential structures*. The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be $0.16 per square foot, calculated on gross finished square footage. The minimum fee shall be $27.00.

C. *Residential swimming pools, hot tubs and spas*. The fee for each residential swimming pool, hot tub or spa shall be $54.00.

D. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home shall be $48.00.

E. *New commercial structures in various use groups*. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be $0.22 per square foot for the first 5,000 square feet, plus $0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee shall be $80.00.

F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation shall be $161.00.

G. *Commercial swimming pools*. The fee for each commercial swimming pool shall be $328.00.

H. *Elevators, escalators and lifts*. The fee for each elevator, escalator or lift shall be $258.00.

I. *Paint spraying booths*. The fee for each paint spraying booth shall be $27.00.

J. *Mobile offices and premanufactured units*. The fee for each mobile office or premanufactured unit shall be $48.00.

K. *Tents*. The fee for each tent shall be $54.00.

L. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group shall be $0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be $80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-202 Fees for electrical permits.

The fees for electrical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Accessory residential structures*. The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be $32.00.

C. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home shall be $32.00.

D. *Commercial structures in various use groups*. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be $0.04 per square foot. The minimum fee shall be $80.00.

E. *Swimming pools, hot tubs and spas*. The bonding fee for each swimming pool, hot tub or spa shall be $32.00. The equipment wiring fee for each swimming pool, hot tub or spa shall be $32.00.

F. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group shall be $0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be $80.00.

G. *Signs*. The fee for each sign shall be $48.00.

H. *Temporary service*. The fee for each temporary electric service shall be $102.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

I. *Early service*. The fee for each early electric service shall be $65.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

J. *Fuel dispensing pumps*. The fee for each fuel dispensing pump shall be $32.00.

K. *Alarm systems*. The fee for each alarm system shall be $0.04 per square foot of the gross square footage of the structure. The minimum fee shall be $80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home shall be $32.00.

C. *Commercial structures in various use groups*. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any such use group, shall be $9.00 per fixture. The minimum fee shall be $80.00.

D. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group shall be $9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee shall be $80.00.

E. *Water lines*. The fee for each water line shall be $27.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Sewer laterals*. The fee for each sewer lateral shall be $27.00, unless the lateral is included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Fire suppression systems*. The fee for each fire suppression system shall be $0.86 per head. The minimum fee shall be $80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-204 Fees for mechanical permits.

The fees for mechanical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home shall be $32.00.

C. *Commercial structures in various use groups*. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be $0.04 per square foot of gross square footage. The minimum fee shall be $80.00.

D. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group shall be $0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee shall be $80.00.

E. *Underground tanks*. The fee for each underground tank, including associated piping, shall be $183.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Aboveground tanks*. The fee for each aboveground tank, including associated piping, shall be $108.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Gas and oil lines*. The fee for each gas or oil line shall be $38.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

H. *Furnaces, wood stoves and gas log systems*. The fee for each furnace, wood stove or gas log system shall be $70.00, unless the furnace, stove or gas log system is included as part of a building permit for which a fee is paid under section 5-201(A).

I. *Range hoods*. The fee for each range hood shall be $27.00.

J. *Hood suppression systems*. The fee for each hood suppression system shall be $32.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-205 Fees for amusement devices.

The fees for amusement devices are hereby established as provided herein:

A. *Kiddie rides*. The fee for each kiddie ride shall be $16.00.

B. *Major rides*. The fee for each major ride shall be $27.00.

C. *Spectacular rides*. The fee for each spectacular ride shall be $43.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 36-105.

Sec. 5-206 Fee for demolition permits.

The fee for each demolition permit shall be $102.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-207 Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are hereby established as provided herein:

A. *Initial zoning inspection*. The fee for each inspection related to the issuance of a building permit for main or accessory structures shall be $16.00 per inspection.

B. *Final site inspection*. The fee for each final site inspection before a certificate of occupancy may be issued shall be $16.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

Sec. 5-208 Fees for other permits, plan amendments, and reinspections.

The fees for other permits, plan amendments, and reinspections are established as provided herein:

A. *Other permits.* The fees for any other building, electrical, plumbing, mechanical, or amusement device permit not identified in this article shall be $32.00 per inspection.

B. *Plan amendments*. The fee for each new plan submitted which requires any structural or fire safety review shall be $32.00.

C. *Reinspections*. The fee for each inspection of work performed, after the second inspection of such work, shall be $32.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

This Ordinance shall be effective on and after November 1, 2015.

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Ms. Palmer then offered **motion** to adopt the proposed ordinance to approve STA-2015-00002, as recommended by staff with an effective date of November 1, 2015. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Ms. Dittmar and Ms. Mallek.
NAYS: Mr. Boyd.

(The adopted ordinance is set out in full below:)

ORDINANCE NO. 15-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE II, ADMINISTRATION AND PROCEDURE, 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 14, Subdivision of Land, Article II, Administration and Procedure, is hereby amended and reordained as follows:

By Amending:
Sec. 14-203 Fees

Article II. Administration and Procedure

Sec. 14-203 Fees

Each subdivider shall pay a fee upon the submittal of a plat or other application, based on the schedule below; provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant. Except as provided in subsection (H)(7), the fee shall be in the form of cash or a check payable to the "County of Albemarle."

A. Preliminary plat:

1. If subject to review by the agent:

(a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street $269.00.
(b) 1 to 9 lots: $1236.00.
(c) 10 to 19 lots: $1,236.00.
(d) 20 or more lots: $1,236.00.

2. Reinstatement of review: $559.00.
3. Each filing of a preliminary plat, whether or not a preliminary plat for the same property has been filed previously: The applicable preliminary plat fee.

B. Final plat:

1. If subject to review by the agent:
   (a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: $581.00.
   (b) 1 to 9 lots: $1,075.00.
   (c) 10 to 19 lots: $1,182.00.
   (d) 20 or more lots: $1,322.00.
2. Condominium plat: $108.00.
3. Reinstatement of review: $559.00.

C. Other subdivision plats:

1. Plat for a rural subdivision, family subdivision, or resubdivision: $742.00.
2. Plat for a boundary line adjustment: $215.00.
3. Plat creating one or more special lots and one residue lot: $95.00.
4. Plat for subdivision following final site plan approval:
   (a) 1 to 9 lots: $1,075.00.
   (b) 10 to 19 lots: $1,182.00.
   (c) 20 or more lots: $1,322.00.

D. Easement plat or plats, per easement:

1. Easement plat(s) without a deed: $527.00.
2. Easement plat(s) with a deed: $817.00.
3. Easement plat(s) required with a site plan: $215.00.
4. Easement plat(s) amending a previously approved easement plat(s): $215.00.

E. Streets:

1. Public road plans: $269.00 for each review of a submitted plan, including reviews of revisions after plan approval.
2. Private road plans: $430.00 for each review of a submitted plan, including reviews of revisions after plan approval.
3. Authorization for one or more private streets within a subdivision filed separately from a subdivision application: $720.00.
4. Variation to or exception from one or more street standards before approval of a preliminary plat under section 14-203.1: $581.00.
5. Variation to or exception from curb and/or gutter requirements before approval of a preliminary plat under section 14-203.1: $581.00.
6. Variation to or exception from street interconnection requirements before approval of a preliminary plat under section 14-203.1: $581.00.
7. If required to construct a street, the subdivider shall pay to the county a fee equal to the cost of the inspection of the construction of any such street. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street for purposes of section 14-435(B).

F. Bonds:

1. Bond estimate request for subdivision improvements: $269.00.
2. Bonding inspection for a plat or bond reduction: $269.00.

G. Groundwater assessment information required by section 14-308.1:

1. Tier 1 assessment under section 17-1001: $54.00.
2. Tier 2 assessment under section 17-1002: $355.00.
3. Tier 3 assessment under section 17-1003: $548.00.
4. Tier 4 assessment under section 17-1004: $1,183.00.

H. Other matters subject to review:

1. Variation or exception under section 14-203.1 before approval of a final plat, not provided for under subsections (E)(4), (5), or (6): $892.00.
2. Variation or exception under section 14-203.1 after approval of a final plat, not provided under subsections (E)(4), (5), or (6): $892.00.
3. Relief from plat conditions imposed by the commission prior to the date of adoption of this chapter: $419.00.

4. Appeal of a plat decision to the board of supervisors: $290.00.
5. Extension of a plat approval: $129.00.
6. Vacation of a plat or part thereof: $258.00.
7. Dam break inundation zones; administrative fee as required by section 14-441: One percent of the total amount of payment required by section 14-441 or one thousand dollars ($1,000.00), whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).

I. Notices as required by section 14-218:
1. Preparing and mailing or delivering up to fifty (50) notices: $215.00.
2. Preparing and mailing or delivering, per notice more than fifty (50): $1.08 plus the actual cost of first class postage.

(§ 3, 8-28-74; 11-10-76; 3-2-77; 12-14-77; 12-1-82; 4-17-85; 6-7-89; 12-11-91; § 18-43, 9-5-96; § 14-203, Ord. 98-A(1), 8-5-98; Ord. 99-14(1), 6-16-99; Ord. 02-14(2), 7-3-02; Ord. 04-14(1), adopted 12-8-04, effective 2-8-05; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(1), 5-13-09, effective 10-1-09; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code § 15.2-2241(9).

This Ordinance shall be effective on and after November 1, 2015.

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Ms. Palmer then offered **motion** to adopt the proposed ordinance to approve ZTA-2015-00011, as recommended by staff with an effective date of November 1, 2015. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Ms. Dittmar and Ms. Mallek.
NAYS: Mr. Boyd.

(The adopted ordinance is set out in full below:)

ORDINANCE NO. 15-18(8)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, 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 IV, Procedure, is hereby amended and reordained as follows:

By Amending:
Sec. 35.1 Fees
Sec. 35.2 Calculation of fees in special circumstances

By Amending and Renumbering:

Old	New	
Sec. 35.3	Sec. 35.4	Fee refunds

By Adding:
Sec. 35.3 Mode and timing for paying fees

Article IV. Procedure

Section 35

Fees

Sec. 35.1 Fees

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

a. Zoning text amendments: $1,075.00

b. Zoning map amendments:
1. Less than 50 acres; application and first resubmission: $2,688.00
2. Less than 50 acres; each additional resubmission: $1,344.00
3. 50 acres or greater; application and first resubmission: $3,763.00
4. 50 acres or greater; each additional resubmission: $1,881.00
5. Deferral of scheduled public hearing at applicant's request: $194.00
6. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to

remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).

c. Special use permits:
1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: $1,075.00
2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: $538.00
3. Signs reviewed by the board of zoning appeals: See subsection 35.1(f)
4. All other special use permits; application and first resubmission: $2,150.00
5. All other special use permits; each additional resubmission: $1,075.00
6. Deferral of scheduled public hearing at applicant's request: $194.00
7. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking - $527.00
8. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - $118.00

d. Site plans:
1. Initial site plans: $1,290.00 plus $16 per dwelling unit and $0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
2. Preapplication plans: $538.00
3. Final site plans: $1,613.00
4. Exception to drawing of site plan under section 32.3.5(a): $1,613.00
5. Site plan amendments under section 32.3.3(b): $538.00 (minor); $108.00 (letter of revision)
6. Site plan amendments under section 32.3.3(b) (major): $1,613,00
7. Appeals under section 32.4.2.6: $258.00
8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): $258.00
9. Reinstatement of review under section 32.4.2.5(e): $86.00
10. Extension of period of validity: $511.00
11. Inspections pertaining to secured site plan improvements; per inspection: $301.00
12. Deferral of scheduled public meeting at applicant's request: $194.00
13. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or one thousand dollars ($1,000.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).

e. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: $1,075.00
2. For a building permit; per review by the ARB: $634.00
3. Amendment to approved certificate of appropriateness: $242.00

f. Matters considered by the board of zoning appeals:
1. Variances: $538.00
2. Appeals: $258.00
3. Special use permits for signs under sections 4.15.5 and 4.15.5A: $538.00
4. Interpreting a district map: $258.00

g. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: $199.00
2. All other official determinations, including development rights: $108.00
3. Zoning clearance for tourist lodging: $108.00
4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: $27.00
5. Zoning clearance for temporary fundraising activity: No fee
6. All other zoning clearances: $54.00
7. Sign permits under section 4.15.4A; no ARB review required: $27.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.
8. Sign permits under section 4.15.4; ARB review required: $129.00
9. Letter of Map Change review: $161.00 (topographic plan only); $323.00 (topographic plan with floodplain model)
10. Floodplain Impact Plan review: $323.00
11. Variation or exception under section 32.3.5 before approval of a final site plan: $892.00
12. Variation or exception under section 32.3.5 after approval of a final site plan: $892.00

h. Groundwater assessments:
1. Tier 1 assessment under section 17-1001: $54.00
2. Tier 3 assessment under section 17-1003: $548.00
3. Tier 4 assessment under section 17-1004: $1,183.00

i. Miscellaneous:
1. Change in name of development or change in name of street: $86.00

2. Special exception: $457.00
3. Tier II personal wireless service facilities: $1,957.00

j. Required notice:
1. Preparing and mailing or delivering up to fifty (50) notices: $215.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
2. Preparing and mailing or delivering, per notice more than fifty (50): $1.08 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
3. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

(Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11; Ord. 11-18(7), 6-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(1), 3-5-14; Ord. 14-18(2), 3-5-14)

State law reference – Va. Code §§ 15.2-2286(A)(6), 15.2-2241(9), 15.2-2243.1.

Sec. 35.2 Calculation of fees in special circumstances

In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:

a. *Simultaneous review of zoning map amendment or special use permit and supporting initial site plan or preliminary subdivision plat*. If a zoning map amendment or special use permit is being simultaneously reviewed with a supporting initial site plan or preliminary subdivision plat, the applicant shall pay the fee for the zoning map amendment or the special use permit, but not the fee for the initial site plan or preliminary subdivision plat.

b. *Multiple special use permits to establish a single use*. If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; * to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13)

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

Sec. 35.3 Mode and timing for paying fees

The fees required by sections 35.1 and 35.2 shall be paid as follows:

a. *Mode of payment*. Except as provided in section 35.1(d)(13), the fee shall be in the form of cash or a check payable to the "County of Albemarle."

b. *Timing of payment*. Except as provided in sections 33.4(g), 34.4(e), 34.5(e), and 34.6(e), the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11; Ord. 11-18(7), 6-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(1), 3-5-14; Ord. 14-18(2), 3-5-14)

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

Sec. 35.4 Fee refunds

If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.

(Ord. 10-18(7), adopted 8-4-10, effective 1-1-11)

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

This Ordinance shall be effective on and after November 1, 2015.

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Recess. At 7:49 p.m., the Board recessed its meeting, and reconvened at 7:57 p.m.

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Agenda Item No. 16. **Presentation:** Dominion Virginia Power: Smart Metering.

Ms. Jen Kostinyuk, Dominion Virginia Power, State and Local Affairs, addressed the Board and introduced her colleagues Brett Crable and Sarah Perkinson.

Mr. Brett Crable addressed the Board and stated that Dominion Virginia has completed its Smart Meter upgrade in the Charlottesville area, with 67,000 meters upgraded and coordination of exchanges for the few remaining. Mr. Crable said that coupling Smart Meters with a communication infrastructure is typically called advanced metering infrastructure (AMI), which is one component of modernizing the grid, and today he will focus on the technology upgrade and installation of the meters. He stated the Smart Meters allow for billing information to be received remotely, and the meters have advanced capability to capture usage at home in greater intervals, allowing Dominion to offer different pricing programs such as time of use pricing for lower costs during lower peak times. He noted there are about 300 customers in the Charlottesville area who are using that, and they are experiencing about $3 per month in savings. Mr. Crable said the meters are also capable of turning on and off remotely, which is convenient especially in transient housing for populations like students, and there were 5,000 requests in the Charlottesville area over the summer. He said Smart Meters are able to be monitored so that if power goes out the company will know that without consumer notification, and can validate that power has been restored. Mr. Crable stated that Dominion is also evaluating some voltage efficiency measures to help the overall grid be more efficient, and the meters are very compatible with two trending technologies, electric vehicles and renewables such as solar power panels.

Mr. Crable noted that almost half the homes in the U.S. have Smart Meters, and Dominion has installed more than 340,000 in Virginia. He stated the company has been extremely pleased with the performance and functions of the meters and continues to work through longer term plans. He said when Dominion comes into an area, good customer communication is paramount, and they use direct mail about 2-4 weeks in advance of them coming to an area, using the mailing address on the account. Mr. Crable stated if residents are not home, representatives use door hangers notifying them of a visit, and Dominion continues to communicate with them via email to present company offerings such as home usage updates. He said occasionally there are customers who choose not to have Smart Meters and stay with a non-communicating meter, and the communication is disabled as well as data storage in the meter, requiring a manual read at the home or business each month. Mr. Crable said that Dominion is committed to providing the best and most current information possible, available on their website www.dom.com.

Mr. Boyd stated he had gone onto Dominion's website to see if he has a Smart Meter, and it is concerning to him that the entry page requested a lot of personal information about him, and he does not want to get on an email list that will fill his inbox with updates. He said he does not understand why the company needs email addresses and things like that to sign onto the site, but it would be much more user friendly if people could go there anonymously to find information. Mr. Crable responded that he will share that with Dominion.

Mr. Boyd said he would prefer that customers be able to visit the site for general information. Mr. Crable stated he was not aware that personal information was being required just by going to www.dom.com.

Mr. Boyd said he was going to the Smart Meter portion of the site.

Ms. Mallek stated that login information is requested even just by going to the dom.com page. Ms. Sarah Perkinson stated that in order to access the Smart Meter information you have to log in, because they need to verify that someone is an account owner.

Ms. Mallek stated it is a bit off-putting because the very first thing people see is a request to sign in, and sometimes web designers do not see it from that point of view.

Ms. Dittmar said the County is very interested in partners for rural broadband efforts, and asked if Dominion is involved in collocation for telephone and internet service here or in other states. Mr. Crable explained there was a communications infrastructure developed, and asked if her question is whether that can provide telecom services for others.

Ms. Mallek said they did collocate because the facility on Owensville Road is attached to a Dominion Power tower.

Ms. Palmer clarified they are interested in knowing if the lines can be buried as a joint use.

Mr. Crable explained that for overhead facilities there are many cases where cable companies collocate on Dominion's poles, but Dominion has to have its own easements to have the electric, so if they are going from overhead to underground, if the existing easement does not provide underground rights, they have to seek new easements. He said when major providers like Verizon want communication utilities to be underground, Dominion works closely with them to find the synergies for this to be done one time rather than leaving the communication wires on a pole and having to go underground for other uses.

Mr. Boyd asked if they can run fiber optic cable in the easements acquired for the gas pipeline. Mr. Crable responded that he is not in the gas pipeline design group and does not know what can collocate with a pipeline.

Mr. Boyd said he was told that fiber optic can be collocated with a gas pipeline. Mr. Crable stated he would find an answer for him from Dominion on that topic.

Ms. Palmer asked if it is common for an above-ground easement to also have an underground easement. Mr. Crable responded they have both, and typically older easements are just overhead, with newer easements pursued as dual easements.

Ms. Dittmar asked for a point of contact for questions like this. Mr. Crable stated he would email the Board with the best contact person.

Ms. Dittmar asked how Dominion handles people who cannot pay their bills. Mr. Crable responded the company helps them to set up payment plans, but also helps them find sources of assistance, including Dominion's own Energy Share program, as well as educating them as to efficiency measures to keep bills down. He stated the company has policies for weather extremes that prohibit turning off people's power in those times, as well as provision of shelters.

Ms. Mallek said there is a perception that the Smart Meters will allow the company to simply turn people's power off if they get behind in their bills, and stated that Dominion needs to clarify whether the meters will ever be used in that way. Mr. Crable stated there is a process that Dominion has to go through with the account holder, and if they reach a point of disconnection for nonpayment, doing it remotely or sending a service person to a home would have the same outcome, and the notices do not change regardless of which technology is on the side of a house.

Ms. Mallek commented there needs to be a thorough follow-up with installers so that people do not have to chase them down in the event things are not working well. She said she hopes this company will take on this issue because problems have happened over a wide geographic area, with meters being pulled, and she was told there is no measurement available for the meters. Mr. Crable explained the Smart Meters monitor hourly usage in the home, but not what specific devices are generating.

Mr. Boyd said there is misinformation out there, because people are under the impression they can monitor individual appliances in people's homes. Mr. Crable clarified that Dominion does not measure individual appliance usage, only what power is being delivered to a home, broken down each hour. He said there are companies looking into providing voluntary services for appliances such as a refrigerator with a compressor that cycle ever few hours, but Dominion is not monitoring individual appliance usage.

Mr. Boyd responded that people think there is this capability.

Ms. Mallek stated people are under the impression they can monitor their usage with a Smart Meter, and one of the complaints is that this information is not really available.

Mr. Crable said a good starting point for customers is to go to their account information at www.dom.com, so they can see a daily energy profile for their home, which provides more clarity than the monthly information provided in the past.

Mr. Boyd said that early on in their process he had received mailings in his bills about how his energy usage compares to that of his neighbors.

Ms. Heather Jennings stated they ran a pilot in 2009 to offer those types of reports, but they no longer do that. She said there are some other organizations in the area who have been looking into that, so if customers are still getting those communications, they are not from Dominion.

Mr. Boyd asked if high schools are going to get that information from Dominion for solar panels on the roofs so they can monitor their energy efficiency.

Ms. Mallek stated she had to buy a monitor from Switzerland to be able to monitor her solar panels, and it shows her on her computer by the hour how much energy her home is generating.

Ms. Dittmar asked if the Smart Meter can assist in showing how much energy people are selling back to the grid. Mr. Crable responded it is capable of performing as a net meter, but there are also customers who are not in the AMI area that have net metering, as well as non-communicating meters that measure net flow, so you do not exclusively need a Smart Meter to be a net metering customer.

Ms. Kostinyuk reported that Dominion has weatherized three homes in the Charlottesville area over the last few days as part of the Energy Share program, and that was done by local volunteers.

Mr. Rob Richardson addressed the Board and stated that Dominion is investing $57 million in Energy Share over five years, with three houses weatherized so far in Charlottesville, working with LEAP and AHIP and volunteers in locations where people need a lot of assistance. Mr. Richardson said there was a situation on Anderson Street with a 91-year-old woman who lives in a home that is in disrepair, and the volunteers plugged holes in her home and provided some weatherization measures around doors and windows. He stated the program kicked off in September 1, and customers are encouraged to call *211 to see if they qualify for weatherization. The company is also looking to provide energy assistance to populations such as veterans, the elderly and disabled. Mr. Richardson added they are also enhancing education about these programs, using media to inform people as to how to apply.

Ms. Mallek stated on lots of electric poles there are white “wands” appearing on poles about 20 feet up, and she wonders whether those are associated with the Smart Meters. Mr. Crable responded the Smart Meter communication infrastructure has access points that collect the information and send it by cellular to Richmond.

Ms. Mallek asked if there is also information pinging from meters on one home to another before reaching the communications system. Mr. Crable explained there is an optimized communication footprint, and that information needs to reach a collection point.

Ms. Jennings presented a picture and clarified the wands that are visible are part of the communication infrastructure, and confirmed the technology is a mesh technology that works to find the quickest way to send information back to Dominion, including passing through other meters, although they try to minimize that as much as possible.

Ms. Mallek asked about the status of the undergrounding, because a year ago it was reported that this would begin in the highest risk areas. Mr. Crable responded he does not have the priority list, but Dominion filed with the State Corporation Commission this year and had received a disappointing response, but the company is committed to that approach and plans to take further action.

Ms. Palmer stated that Dominion has already had meetings with some of her neighbors about this and letters have gone out, so this is definitely underway.

Ms. Mallek asked if the SCC had denied the company the ability to pass the costs on. Mr. Crable confirmed they had, but Dominion is looking at its options.

Ms. Palmer commented that she is looking forward to progress with the undergrounding, as her power goes out sometimes for 5-7 days at a time.

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Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Sheffield stated that VDOT has come back and said the signal at Hillsdale and Greenbrier is still not warranted and they are going to move forward with a two-way stop at that intersection, and promised to re-evaluate the traffic situation once the improvements are completed. He said the County’s options are fairly limited and the Board has taken the unanimous position to support putting the signal there, so they need to push VDOT a little bit more. Mr. Sheffield stated that he and Ms. Mallek have discussed the possibility of reducing the speed limit on Hillsdale to 25 mph, as the section from Whole Foods to Pepsi Place will be 25 mph and the rest of Hillsdale in the County will be 35, which will encourage people to speed up. He said they have also considered having VDOT put money into escrow to eventually put a light up, but he and Ms. Mallek think that VDOT can go ahead and put a light up that is just flashing red and yellow, because the problem is the visibility and potential conflict that could occur there, and lights will provide some assurance and can be changed quickly to red, yellow, green.

Ms. Mallek said that having it up and flashing will also help pedestrians by activating the walk light, and said it was 2002 or 2003 when the meetings were held that had this stoplight as a given. She stated that despite assurances from Joel DeNunzio, VDOT had not taken into consideration the characteristics of the residents there, many of whom are seniors.

Mr. Sheffield stated at this point the City is saying that VDOT does not want a signal there, and VDOT is saying the City did not properly plan for this dynamic, so the best they can do is to try to go beyond just a two-way stop sign. He said his concern is that the traffic will quickly become heavy there, and the County would spend years begging VDOT to put a signal there.

Ms. Dittmar said they need to go back to VDOT on this, because of the population there and the fact that once the project is completed people will start using it as a parallel road, and will accelerate once they get through the intersection. She said people will have to come to a complete stop even if it is just a flashing yellow.

Mr. Sheffield stated the plan is only for a two-way stop, not a four-way, so people on Hillsdale will blow through Greenbrier without stopping, and you will only have to stop to take a left or right, and on Hillsdale to Seminole Trail you will just keep going.

Ms. Dittmar asked what they need to do.

Mr. Sheffield stated the City is moving forward more slowly than VDOT would like and is advertising this in June, six months longer than VDOT finds acceptable, and he suggested having a letter to VDOT in November asking them to consider these items. He said he feels it is also important for the County to communicate with City that it is an oversight for them to be doing this planning absent of County staff input, and the City and VDOT had met the previous week without any notification to the County.

Ms. Dittmar suggested that she and Ms. Palmer had met with the City about one particular item, and in their discussions they talked about a lack of communication from the City on the Woolen Mills project. She said the takeaway from that was to set up protocols so that this does not happen again, and it sounds like this is another example.

Mr. Foley said he has already communicated with the City Manager as to developing a protocol for communication between the Community Development departments for issues on their borders or on the river, and perhaps he could broaden that to include all staff communications. He stated they should formalize that, and he did not realize the latest issue regarding the Hillsdale project, and he feels they should get it in writing.

Ms. Palmer stated that perhaps they need to find the width of the border.

Ms. McKeel said they may not want to get too specific, because there were two instances in the Hydraulic area where the City and County borders were meeting, and the County had been left out of a meeting with VDOT and the City.

Ms. Dittmar commented that this is a good time to move ahead with this, because the City has a new Planning Director.

Mr. Sheffield stated that he will work on drafting the letter for VDOT on the Hillsdale issue, to bring back in November.

Ms. Mallek said a copy of the letter should be sent to Alison DeTuncq and Aubrey Layne, because the more they are bothered by this, the more of a chance to get what is needed, and why should they wait until someone gets killed on the road.

Mr. Sheffield said residents are asking what they can do next, and he will suggest that they vocalize support on this approach for Hillsdale.

Ms. Dittmar expressed concern about this not being a four-way stop, and she cannot imagine that older residents would want to cross the street there.

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Ms. Palmer reported that in Howardsville there is a boat launch owned by the Department of Game and Inland Fisheries, with the surrounding land owned by a private citizen. She stated the citizen had wanted to have a campground there, but the Board had denied that request previously because the area floods regularly. Ms. Palmer said this person has now applied for a biosolids permit, and that has been granted, so he will be spreading biosolids on the entire field and can go 30 feet to the river. She stated the Batteau Festival lands here, but they cannot beach here any longer. She said Mr. Graham is supposed to find out information from VDOT and she is not sure what they can do about it, but these biosolids will be put in right by an area that floods regularly. Ms. Palmer stated perhaps they can notify the DEQ about it, and the County needs to aggressively talk about it with them.

Mr. Davis explained the State has preempted localities from regulating biosolids and their spreading, as it is controlled by the DEQ and state regulations. He said there is some limited authority for localities to have some testing, but that is limited to the elements regulated by state law and additional requirements cannot be imposed. Mr. Davis said there has been legislative proposals over the last several years to try to get local regulations, which the County has supported, but they have been unsuccessful thus far. He noted the DEQ had increased their standards a few years earlier, and had held a meeting in Albemarle regarding these changes, which included provisions for additional notice and some other process improvements. Mr. Davis added the process still leads to some unusual situations such as the one Ms. Palmer has mentioned, and their only remedy at this point is to bring them to the attention of the DEQ to see if they will take additional steps to address those, or impose additional state regulations.

Ms. Mallek stated that within the last six months there had been a proposal for a property in White Hall to be added for this use, and the DEQ has agreed to come, with Keith Showman's associate suggesting that a local meeting be held as an affirmative way for residents and localities to get face to face with landowners. She said that once the property owner became aware of the highly negative public sentiment, she withdrew her request to DEQ. Ms. Mallek stated she had talked to the VACo Agriculture Committee about this, and Mr. Kamptner in the County Attorney's Office had helped her with the language of a proposal, which the committee agreed to work on over the next year. She noted that four of the twelve people present at the meeting were employed by biosolids companies, but at least there is now one paragraph in the VACo platform. Ms. Mallek said one of the possible provisions is for the State Board of Health to require testing if it is for biosolids coming into the County from somewhere else, and the Augusta plant does not have all of the poor quality class B waste that the Northern Virginia companies do.

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Ms. Dittmar reported that she, Ms. Palmer, Mr. Foley and Mr. Graham had met with the City on a number of issues, and she feels the City is welcoming of the discussion, which will be reported on further in November.

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Ms. McKeel stated they are now video streaming and she has asked Ms. Jordan and Mr. Morris if they are able to tell how many people are viewing the meetings. She asked how many had watched their last meeting.

Ms. Jordan reported that at their first meeting in October, there were 152 viewers; at their September 23 meeting, there were 114, and they have not even publicized that video streaming is available.

Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 19. Adjourn.

With no further business to come before the Board, the meeting was adjourned at 8:56 p.m.

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Chairman

Approved by Board
Date: 12/02/2015 Initials: EWJ