

**ACTIONS**  
**Board of Supervisors Meeting of November 2, 2011**

November 9, 2011

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 9:01 a.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Meagan Hoy.</li> </ul>	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>• <b>MOVED</b> Agenda Items No. 20 and 21 to the morning portion of the Board meeting.</li> <li>• <b>MOVED</b> Agenda Items No. 9, 11 and 12 to the afternoon portion of the Board meeting.</li> <li>• <b>APPROVED</b> agenda as amended.</li> <li>• Ms. Mallek provided Board members with information on Neighborhood Watch and encouraged audience members to think about a Neighborhood Watch in their neighborhoods.</li> </ul>	
<p>5. Recognitions:</p> <ol style="list-style-type: none"> <li>a. Governor's Technology Awards. <ul style="list-style-type: none"> <li>• Chair read and recognized County staff.</li> </ul> </li> <li>b. VML "Go Green" Challenge for 2011. <ul style="list-style-type: none"> <li>• Chair read and recognized County staff.</li> </ul> </li> <li>c. Albemarle County firefighters - Fill the Boot Campaign for the Central Virginia Muscular Dystrophy Association. <ul style="list-style-type: none"> <li>• Liz Nixon, Fundraising Coordinator, Central Virginia Muscular Dystrophy Association, recognized the Albemarle County firefighters for another successful year with their Fill the Boot campaign.</li> </ul> </li> </ol>	
<p>6. Appointment of Human Resources Director.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0 the appointment of Lorna Gerome as the Director of Human Resources.</li> </ul>	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>The following individuals spoke about the Route 29 Bypass/proposed resolution from Jack Jouett Bypass Committee:</u> <ul style="list-style-type: none"> <li>• Josh Davis</li> <li>• Jack Renard</li> <li>• Donna DeLoria</li> <li>• Kirk Bowers</li> <li>• Don Kirwan</li> <li>• Mark Stanis</li> <li>• Jane Porter Fogleneor</li> <li>• Laney Kaminer</li> <li>• Elly tucker</li> <li>• George Larie</li> <li>• Morgan Butler</li> <li>• Donna VandePol</li> </ul> </li> </ul>	

<ul style="list-style-type: none"> <li>• Scott VandePol</li> <li>• Max Evans</li> <li>• Neil Williamson</li> <li>• <u>The following individuals spoke about the Crozet Library:</u> <ul style="list-style-type: none"> <li>• Sally James</li> <li>• Karl Pomery</li> <li>• Alexander Giannis</li> <li>• Madison Tegen</li> <li>• Jane Kulow</li> <li>• Katurah Roell</li> <li>• Renate Weber</li> <li>• Phil Best</li> <li>• Emily Thomas Clarke</li> </ul> </li> <li>• <u>The following individual spoke about reopening the County's portion of the Meadow Creek Parkway:</u> <ul style="list-style-type: none"> <li>• Christopher Winter</li> <li>• Tom Howard</li> <li>• Ron Londen</li> <li>• John Springett</li> <li>• Jeff Werner</li> </ul> </li> <li>• Pat Hurst asked the Board to adopt the proposed ERA resolution (Item 8.8 on the consent agenda).</li> <li>• <u>Emerald Young</u> spoke about removing fluoridation from County water.</li> <li>• <u>Barbara Cruickshank</u> spoke about removing fluoridation from County water.</li> <li>• <u>Kobby Hoffman</u> spoke in support of the proposed ERA resolution.</li> <li>• <u>Charles Battig</u> spoke about climate change, global warming and ICLEI.</li> </ul>	
<p>8.2 Cancel November 9, 2011 Regular Night Meeting. <b>CANCELLED</b> Board meeting.</p>	<p><u>Clerk:</u> Notify appropriate individuals.</p>
<p>8.3 FY 2011 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the budget amendment in the amount of \$362,175.32 and <b>APPROVED</b> Appropriation #2011093, #2011095 and #2011096.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed appropriations to OMB, Finance and other appropriate individuals.</p>
<p>8.4 FY 2012 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the budget amendment in the amount of \$162,586.93 and <b>APPROVED</b> Appropriations #2012034, #2012035 and #2012036.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed appropriations to OMB, Finance and other appropriate individuals.</p>
<p>8.5 ACE Round 10 Approvals - Accept completed Rushia and Nash/Violette Appraisals; Approve extending invitations to sell a conservation easements.</p> <ul style="list-style-type: none"> <li>• <b>ACCEPTED</b> the completed Rushia and Nash/Violette appraisals; and <b>APPROVED</b> extending invitations to submit an offer to sell to Rushia and Nash/Violette based on the appraisals.</li> </ul>	<p><u>David Benish/Ches Goodall:</u> Proceed as approved.</p>

<p>8.6 VDOT Revenue Sharing Program Application, FY 2012/13.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to participate in VDOT's Revenue Sharing Program for FY 12/13, for up to \$1.0 million in VDOT Revenue Sharing Program funds to implement the County Sidewalk Construction Program by constructing sidewalks in up to four locations.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and David Benish. (Attachment 1)</p>
<p>8.7 Resolution to accept Olympia Drive and Town and Country Lane Connector into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward signed resolution and AM-4.3 form to Glenn Brooks. (Attachment 2)</p>
<p>8.8. Equal Rights Amendment (ERA) Resolution.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 4:1 (Snow opposed, Thomas absent) the resolution.</li> </ul>	<p><u>Clerk:</u> Forward signed resolution to Kobby Hoffman. (Attachment 3)</p>
<p>8.9 Initiatives to Address Gang Activity in Albemarle County.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward signed resolution to Steve Sellers. (Attachment 4)</p>
<p>9. Video Streaming Board of Supervisors' meetings.</p> <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> of the Board for staff to bring back additional information on live audio streaming options.</li> </ul>	<p><u>Clerk:</u> Schedule when ready to come back to Board.</p>
<p>10. Thomas Jefferson Planning District Commission (TJPDC) Legislative Program, David Blount.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b>, by a vote of 6:0, the Legislative Program with change to statement in Secondary Road Devolution.</li> </ul>	<p><u>Clerk:</u> Notify David Blount. (Attachment 5)</p>
<p>11. Review of Solid Waste Service Options.</p> <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> of the Board to direct staff to prepare a scope of work for consulting services to evaluate the County's long term options for solid waste services and to bring that scope of work back to the Board for its review.</li> </ul>	<p><u>Mark Graham:</u> Proceed as approved.</p>
<p>12. Albemarle County Environmental Stewardship Strategic Plan.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the proposed "Albemarle County Environmental Stewardship Strategic Plan" and <b>DIRECTED</b> staff to develop an action plan for FY 2013.</li> </ul>	<p><u>Andy Lowe:</u> Proceed as approved. (Attachment 7)</p>
<p><b>NonAgenda.</b> The Board recessed at 11:24 a.m. and reconvened at 11:36 a.m.</p>	
<p>13. Pb Hrg: <b>ZTA-2010-00005 Signs.</b></p> <ul style="list-style-type: none"> <li>• <b>DEFERRED</b> ZTA-2010-00005, by a vote of 5:0 (Thomas absent), for a Board work session</li> </ul>	<p><u>Clerk:</u> Reschedule on agenda when ready to come back.</p>
<p>14. Closed Session.</p> <ul style="list-style-type: none"> <li>• At 1:13 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions.</li> </ul>	
<p>15. Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 1:50 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>	

<p>16. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> <li>• <b>REAPPOINTED</b> Russell Lafferty to the Charlottesville Albemarle Regional Transportation Committee as the Planning Commission Representative with said term to expire April 3, 2014.</li> <li>• <b>REAPPOINTED</b> Richard Venerus to the Joint Airport Commission with said term to expire December 1, 2014.</li> <li>• <b>REAPPOINTED</b> Anne Bedarf to the Natural Heritage Committee with said term to expire September 30, 2015.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
<p>17. DIA Update, Phil Roberts, DIA Chief for Rivanna Station, and Col John Strycula, Post Commander Ft. Belvoir.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
<p>18. Board-to-Board, <i>Monthly Communications Report from School Board</i>, School Board Chairman.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
<p>19. VDOT Update, David Crim.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> <li>• Provided the Board with a copy of the National Manual on Uniform Traffic Control Devices (MUTCD) and a contact list for VDoT.</li> </ul> <p>VDoT Matters from the Board:</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Asked about the right turn on green arrow from Southbound Hydraulic Road to Georgetown Road. Mr. Crim said he would look into that issue.</li> <li>• Asked about reducing the speed limit on the paved section of Rio Mills Road to 35 mph.</li> <li>• Asked about the return time on a traffic study. Mr. DeNunzio answered that they have a 45 day period to turn those around.</li> </ul> <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> <li>• There is trouble with the traffic light synchronization from Route 250 West toward Charlottesville. Mr. Crim said modifications had been done recently.</li> <li>• There is a small country church on Old Lynchburg Road located on the left side of the road with parking on the right side of the road. He would like VDOT to look into ways to slow the traffic down to make it safer for church goers to cross.</li> <li>• There have been reported a number of car accidents at the intersection of Route 6 and Route 627 and the residents have asked if a caution light could be installed.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• The tripper on the light at the Rock Store has been interrupted. Mr. Crim said he would look into it.</li> </ul> <p><u>Ken Boyd:</u></p>	<p><u>Clerk:</u> Forward comments to David Crim.</p>

<ul style="list-style-type: none"> <li>• Asked about the status of Brocks Mill Road. David Benish answered that this project is currently at the County stage.</li> </ul> <p><u>Joel DeNunzio:</u></p> <ul style="list-style-type: none"> <li>• Updated the Board on the Martha Jefferson/State Farm Boulevard intersection on Peter Jefferson Parkway. Mr. Boyd suggested that Mr. DeNunzio come to the Pantops Community Advisory Council meeting.</li> </ul> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>• Mr. Tom Sullivan has submitted a request and petition requesting high speed internet access and road improvements on a section of Blenheim Road. Mr. Crim will follow up on the issue.</li> </ul>	
<p>20. Meadow Creek Parkway Resolution of Intent.</p> <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> to defer this item until December 7, 2011.</li> </ul>	<p><u>Clerk:</u> Schedule on December 7<sup>th</sup> agenda.</p>
<p>21. Route 29 Western Bypass Resolution from the Jack Jouett Bypass Design Committee.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, by a vote of 6:0, resolution and requested County Executive to forward to appropriate VDOT officials and Commonwealth Transportation Board.</li> </ul>	<p><u>County Executive:</u> Proceed as approved by Board. (Attachment 6)</p>
<p>22. From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>	
<p>23. Adjourn to November 9, 2011, 4:00 p.m., Room 241.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 4:20 p.m.</li> </ul>	

ewj/mrh

Attachment 1 – Resolution – VDOT Revenue Sharing Program

Attachment 2 – Resolution to accept Olympia Drive and Town and Country Lane Connector into the State Secondary System of Highways

Attachment 3 – Resolution - Equal Rights Amendment (ERA)

Attachment 4 – Resolution – Initiatives to Address Gang Activity in Albemarle County

Attachment 5 – TJPD Legislative Program

Attachment 6 – Route 29 Western Bypass Resolution from the Jack Jouett Bypass Design Committee

Attachment 7 – Albemarle County Environmental Stewardship Strategic Plan Fiscal Years 2013 through 2020

**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2013**

**WHEREAS**, the County of Albemarle desires to submit an application for up to \$1.0 million of revenue sharing funds through the Virginia Department of Transportation Fiscal Year 2012/13 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit a \$1.0 million match in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to fund the County's Sidewalk Construction Program to install new sidewalks along roadways in up to four locations:

1. Crozet Avenue North (Rt. 810), from St. George Avenue to Ballard Drive;
2. South Pantops Drive (Rt. 1140), from Carriage Hill Apartment to State Farm Blvd. and then along State Farm Blvd. (Rt. 1117) from South Pantops Drive to Rt. 250;
3. Barracks Road (Rt. 654), from the Charlottesville City Limits to Barracks West Apartments; and
4. Hydraulic Road (Rt. 743), from just south of Commonwealth Drive to Georgetown Road intersection (north side of road).

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$1.0 million of matching funds in its application for up to \$1.0 million of revenue sharing funds from the Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

**ATTACHMENT 2**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 4th day of November 2009, adopted the following resolution:

**R E S O L U T I O N**

WHEREAS, the street(s) as described on the attached Additions Form AM-4.3 dated **November 2, 2011**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) as described on the attached Additions Form AM-4.3 dated **November 2, 2011**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

**RESOLUTION: EQUAL RIGHTS AMENDMENT (ERA)**

**WHEREAS**, the Equal Rights Amendment (ERA) ensures that women and men will have equal rights under the United States Constitution; and

**WHEREAS**, the County of Albemarle supports the advancement of human rights; and

**WHEREAS**, the United States Constitution fails to guarantee equal rights and equal protection for women to the continuing detriment of all citizens; and

**WHEREAS**, the Equal Rights Amendment would provide the only incontestable remedy for gender discrimination for both women and men by providing a Constitutional guarantee of equal rights under the law; and

**WHEREAS**, the 14<sup>th</sup> Amendment to the United States Constitution and the various state constitutional statements of gender equality generally do not provide the strict scrutiny of equal protection for the matters of gender as is now accorded race, religion, and national origin; and

**WHEREAS**, the only permanent right women explicitly have in the U.S. Constitution is the right to vote and rights not supported by the Constitution can be undermined in legislatures and courts; and

**WHEREAS**, in past years, laws and policies in the Commonwealth of Virginia have unjustly discriminated against girls and women in general, and against particular classes of women, such as in matters of sexual assault, marital property, and sexual harassment, and although some such laws and policies have become somewhat less discriminatory, such improvements can be, have been, and are being reversed; and

**WHEREAS**, the ERA, introduced in 1972, requires ratification by three more states; and

**WHEREAS**, some institutional policies, whether overtly discriminatory or "facially neutral," in public, voluntary, and private institutions, still have inequitable effects on women; policies such as those dealing with insurance, pension, family medical leave from employment, job promotions, occupational choice, recreational opportunities, and access to medical care, and stereotypes still exist which limit women's roles and activities; and

**WHEREAS**, women and men, many of whom through economic necessity, must also work in the job market and/or at home face grave health, financial, and career repercussions as a result of weak or nonexistent laws on paid leave, and discrimination against workers with family responsibilities; and

**WHEREAS** millions of American women, especially women who are mothers, face particularly severe hiring and promotion bias, U.S. Department of Labor data found that mothers earn just 60 cents for every dollar that fathers earn with more than 19 million families with children now have a mother as the primary or co-breadwinner, and 70 percent of children live in households in which all adults are in the labor force further discriminating against the children of these households, men and women (<http://www.hrw.org/node/96432>); and

**WHEREAS**, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted,

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Albemarle, Virginia does hereby indicate its support for the principal that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." and

**AND BE IT FURTHER RESOLVED**, that the Board of Supervisors of the County of Albemarle, Virginia hereby urges the General Assembly of the Commonwealth of Virginia to ratify the ERA during the 2012 session.



**RESOLUTION**

**WHEREAS**, it is the mission of the Albemarle County government to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and

**WHEREAS**, the Board of Supervisors recognizes that criminal street gangs exist and are conducting criminal enterprise in Albemarle County which has a direct negative impact on citizens; and

**WHEREAS**, the Albemarle County Police Department is actively engaged in gang prevention and enforcement through a coordinated effort of local, state and federal law enforcement resources; and

**WHEREAS**, it is in the best interest of Albemarle County citizens to eliminate the threat of criminal street gangs and prevent their further development in our communities.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, general welfare and safety, the Albemarle County Board of Supervisors does hereby fully support regional gang suppression efforts that focus on identifying dangerous and influential gang members and removing them from the community while also preventing further development of criminal street gangs through education, collaboration and community involvement.

2012

Thomas Jefferson Planning District Legislative Program

Representing the Local Governments of:

Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County

October 2011

Joe Chesser, Chairman  
Steve Williams, Executive Director  
David Blount, Legislative Liaison

**PRIORITY ITEMS**

**SECONDARY ROAD DEVOLUTION**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.**

The Administration is examining the possibility for shifting the responsibility for certain functions of the state's secondary road system to localities. A report produced last summer for the Commonwealth Transportation Board bolstered the argument for this "devolution" by noting that the state's "secondary construction and maintenance budgets are declining, the system's condition is deteriorating, the cost to restore the system to a state of good repair is increasing, funds for new construction have evaporated, and VDOT is required to continue to accept new roads into the secondary system." Indeed, for FY11, VDOT allocated about \$410 million to secondary road construction and maintenance (down about one-third from the FY07 figure). Ever-increasing amounts of state construction dollars are being transferred annually to maintain existing infrastructure. Prior examinations have rated nearly one-third of secondary road mileage as having deficient pavement. With nearly 50,000 miles of roads, Virginia's secondary road system is four times larger than the network of roads maintained by cities, towns and the two counties that maintain their own roads.

Efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. In the past 20 years, the number of miles travelled on Virginia roadways has steadily increased, while the attention to maintaining the secondary system has taken a back seat. Shifting the responsibility for secondary roads to local entities could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment and movement of goods.

We question if it is less costly for Virginia taxpayers to have local governments, which lack the capacity, to maintain secondary roads, and lose the economies of scale of having those functions performed by a single

state agency that has had that responsibility nearly a century. What will be the costs to taxpayers of the inefficiencies of duplication arising from nearly 100 local transportation departments? While such a plan might buoy the state's transportation budget, it will only shift the burden of paying for these necessary transportation costs to homeowners' real estate tax bills, and the political liability for unpopular tax increases to local elected officials.

~~Before the Administration recommends devolution of the secondary roads system, any proposal must be based on a collaboratively developed plan and timetable that ensures a smooth transition, appropriate and adequate local authority over transportation and land use planning, and access to adequate locally controlled resources and revenue authority, without further burden to local property owners.~~

## STATE/LOCAL FUNDING and REVENUES

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the governor and legislature to 1) honor their funding obligations to localities; 2) resist shifting costs for state programs to localities; and 3) not further restrict local revenue authority. Further, the state and local governments should jointly examine contractual relationships for services the state requires localities to deliver.**

Stagnant local revenues, along with disappearing federal stimulus dollars and coming teacher retirement rate increases, will present formidable challenges to local budgets this year. Two things that will be hard to come by: meaningful increases in state aid for locally-provided services and restoration of previous cuts in core programs. Unfortunately, recent state funding reductions have not been accompanied by program changes that could alleviate financial burdens on localities. Underfunded/unfunded state requirements and "cost shifting" by the state reduce local ability to meet local needs to pay for programs and services. Increased demand for services primarily funded at the local level present unique challenges to rural, urban and fast-growing localities alike (all present in our region).

Accordingly, we believe reduction or elimination of state funding for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement. Further, the state and localities should examine the concept of a contractual relationship for services that the state requires localities to deliver. This would be an important step, given that 1) most state aid to local governments pays for services localities are mandated to provide; 2) state standards prescribe how services are to be delivered; and 3) localities have to meet such standards regardless of the costs.

Local governments also are overly dependent on real estate taxes that continue to produce less revenue due to the sluggish housing market. Therefore, any changes to Virginia's tax code or in state policy should not reduce local government revenues or restrict local taxing authority. This includes proposals to alter or eliminate the BPOL and Machinery and Tools taxes, or to divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, the legislature should broaden the revenue sources, including authority to levy a food and beverage tax, available to local governments. The state should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy.

We also request the following:

The state should restore across-the-board reductions in aid-to-localities. These funds provide financial assistance for local implementation of state-required or state high-priority programs. If the state cannot meet this commitment, then program regulations, criteria, and administrative requirements should be adjusted to reflect the decrease in state resources.

The governor and legislature should protect the future integrity of the Virginia Retirement System, while exploring the viability and benefits of allowing local governments 1) to require Plan 1 employees to pay their share of retirement contributions, and 2) to offer defined contribution retirement plans to their employees. Finally, the General Assembly should ensure the appropriate collection of transient occupancy taxes from online transactions.

**PUBLIC EDUCATION FUNDING**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the legislature to fully fund the state share of the realistic costs of the Standards of Quality without making allocation formula and policy changes that reduce state funding or shift additional funding responsibility to localities.**

The state will spend nearly \$5 billion on public education in FY12, just under 30% of its general fund budget (a drop of over five percent from FY09). This level of funding for FY12 is expected to be over \$600 million less than the FY09 amounts. Meanwhile, local governments boost education funding by spending over \$3 billion more per year than required by the state.

Recent reductions in state funding for public education were accomplished in large part through a number of K-12 policy changes that will lessen the state's funding obligations moving forward. For example, the state "saved" millions of dollars by shifting costs to localities through making some spending ineligible for state reimbursement or lowering the amount of the payback. It also imposed a cap on state funding for education support personnel in FY10. While we oppose such actions, we believe localities and school divisions should be given flexibility to meet requirements and management their budgets when such reductions and cost-shifting occur. We also urge the state to resist further policy changes that would require localities to fund a greater share of costs. State funding should be realistic and recognize actual educational needs, practices and costs; otherwise, more of the education funding burden will fall on local real estate taxes.

The state budgeted teacher salary figure (on which it bases its share of teacher costs) trails the statewide and national averages. Teacher pay comprises the majority of K-12 expenditures, and local market conditions dictate the level of pay required to recruit and retain quality teachers. Accordingly, localities in our region should be included in the "Cost of Competing Adjustment" now available only to various localities primarily in Northern Virginia. This would help our localities to reach and maintain competitive compensation. Likewise, to help recruit, develop and retain a highly qualified and diverse teacher workforce, the state also should not eliminate or decrease state funding for benefits for school employees.

Concerning the Local Composite Index (LCI), we support 1) establishment of a mechanism for local appeal of the calculated LCI to the state; and 2) changes to redefine the local true values component of the formula to include land use taxation value, rather than fair market assessed value, for properties that have qualified and are being taxed under a land use value program.

Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The state should resist its customary seizing of dollars from the Literary Fund to pay state costs for teacher retirement.

**CHESAPEAKE BAY TMDL**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities support the goal of improved water quality, but it is imperative that we have major and reliable forms of financial and technical assistance from the federal and state governments if comprehensive water quality improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective. We support fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, along with accompanying authority and incentives for all sectors to meet such requirements. We believe fairness across sectors will require appropriate regulatory mechanisms at both the state and local government levels. The Planning District localities are in strong agreement that we will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.**

As the result of various court settlements concerning the Clean Water Act of 1972, the Environmental Protection Agency is enforcing water quality standards in the Chesapeake Bay watershed by imposing a pollution diet (known as Total Maximum Daily Load, or TMDL) to reduce pollution to acceptable levels. Bay states submitted plans showing how they will achieve TMDL goals for reducing nitrogen, phosphorous and sediment flowing into the Bay. The proposed TMDL and Virginia Watershed Implementation Plan require two-year milestones for the state and localities. As local governments will be greatly impacted by initiatives to reduce pollutants into state waters of the Bay watershed, it is imperative that aggressive state investment in meeting such milestones occurs. This investment must take the form of authority, funding and other resources being in place to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.

Local governments are particularly concerned about the various effects on their communities and their economic growth. There will be costs to meet reduced pollutant discharge limitations for localities that own/operate treatment plants. Local governments will be required to develop and implement nutrient management programs for certain large, public properties. Costs for stormwater management regulations will fall on both new development and redevelopment. There will be economic impacts due to increased cost for compliance by agriculture and increased fees charged by the permitted dischargers.

Accordingly, we recommend and request the following:

1. Sufficient state funds for the full cost of implementing TMDL measures that will be required of local governments, including those associated with revised stormwater management regulations and any new requirement for locally-implemented stormwater management programs.
2. Sufficient federal funds for grants and low-interest loans for capital costs, such as for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, while minimizing the economic impact of increased fees.
3. Sufficient state funding for and direction 1) to the Cooperative Extension Service and Soil and Water Conservation Districts to aid farmers with best management practices (BMP) in their operations, and 2) to the Soil and Water Conservation Board for monitoring resource management plan compliance.
4. Any expansion of the Nutrient Exchange Program to allow trading and offsets of nutrients among stormwater, onsite septic, wastewater, agriculture and forestry should be contained within and be relevant to a particular watershed, and should ensure that monetary exchanges are equivalent to the costs of the applicable BMP offset.

## TRANSPORTATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams to expand and maintain our transportation infrastructure. We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and to preserve urban street maintenance dollars.**

Local governments need sustainable, dedicated, non-general funds from the state to support our transportation network. Absent such an investment, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents. The need to fund a declining transportation infrastructure is dire and state dollars remain inadequate. Maintenance of the existing system continues to grow, with nearly \$2 billion being spent yearly on maintenance, of which one-half billion dollars being transferred from the construction to the maintenance budget. In addition, formula distributions for unpaved roads and primary/urban/secondary construction have been eliminated.

We urge the state to fund transportation needs with stable and recurring revenues that are separate from the general fund and that are sufficient to meet Virginia's well-documented highways, transit and other needs. We believe the state should direct its funding efforts at all transportation modes, both statewide and regionally, targeting investments to solutions that put money to work on new ideas and in tandem with leveraging private investment. We urge the state to restore formula allocations for secondary/urban construction and for unpaved

roads. We also support stable and increasing dollars for cities and towns to maintain roads within their jurisdictional boundaries.

We believe state funding should account for urban area needs where public transportation is important, the increasing traffic demands placed on fast-growing localities and ongoing improvements necessary on rural, secondary roads. We believe these improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of local comprehensive, land use and bicycle/trail plans, as well as regional transportation plans, when conducting corridor or transportation planning within a locality or region. We also take the following positions:

- 1) We support enabling authority to establish mechanisms for funding transit and non-transit projects in the region, including funding for existing and future state-supported inter-city and high speed passenger rail.
- 2) While we opposed the closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property.

## LAND USE and GROWTH MANAGEMENT

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

In the past, the General Assembly has enacted both mandated and optional land use provisions applicable to local governments in order to address growth issues. While some have been helpful, others have prescribed one-size-fits-all rules that hamper preparing for growth across localities that approach their land use planning differently. Preemption or circumvention of existing local authority hinders localities in implementing the comprehensive plan or regulating land uses. Moreover, current land use authority often is inadequate to allow local governments to provide for balanced growth in a manner that protects and improves quality of life.

The General Assembly should grant localities additional tools necessary to meet important infrastructure needs that are driven by development. We endorse efforts to have impact fee and proffer systems that are workable and meaningful for various parties, but we oppose attempts to weaken our current proffer authority. Rather, we support the road impact fee authority, adopted in 2007, being revised to include additional localities and to provide the following: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

Further, to enhance our ability to pay for infrastructure costs and to implement services associated with new developments, we support localities being given authority to enact local ordinances for determining whether public facilities are adequate ("adequate public facility," or APF ordinances).

We also take the following positions:

- 1) We support optional cluster development as a land use tool for local governments.
- 2) While we support the concept of urban development areas (UDAs) as contained in the Code, we also support making the use of UDAs optional for localities.
- 3) Concerning conservation of land, we support a) dedicated state funding for acquiring, preserving and maintaining open space; b) full authority to generate local dollars for such efforts; c) additional incentives for citizens to create conservation easements; and d) authority for localities, at their option, to enact scenic protection and tourist enhancement districts.
- 4) The General Assembly should define "lost profits" and lost access" in the proposed Constitutional amendment on eminent domain before submitting it to referendum. Any definitions should be fair to

both property owners and taxpayers who pay for public improvements and not apply to temporary conditions.

**COMPREHENSIVE SERVICES ACT**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government.**

Since the inception of the Comprehensive Services Act in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. After four years of steep increases (ranging from five to 16 percent) in state and local costs of residential and non-residential mandated services, CSA pool expenditures for state and local governments have declined the last several years. Costs remain challenging to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, and availability of alternative funding).

In addition, localities pay the overwhelming majority (80%) of costs to administer this shared program. State dollars for administration have not increased since the late 1990's. At the same time, administrative costs have jumped due to additional data collection/compilation and reporting requirements.

Therefore, we support the following:

- 1) The state should either provide additional funding for administrative support or revise its data collection and reporting requirements;
- 2) The state should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need; and
- 3) The state should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.

We believe that the categories of populations mandated for services should not be expanded unless the state pays all the costs. We also urge the state to be proactive in making residential facilities and service providers available, especially in rural areas.

In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs. We encourage the state to consider penalties for individuals who have had children removed from their care due to abuse or neglect. We also support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**AREAS OF CONTINUING CONCERN**

***ECONOMIC and WORKFORCE DEVELOPMENT***

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs.

- We support the state's Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and emphasizes regional cooperation in economic, workforce and tourism development.

- We support enhanced funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support increased state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products and to encourage expansion and opportunities for rural enterprises.
- We oppose restructuring of the Virginia Cooperative Extension Service (VCES) that would eliminate beneficial extension agents and/or increase the financial burden on local governments for the same service; rather, we support continued state funding for VCES and the services that extension agents provide in localities.
- We appreciate and encourage continuing state incentives and support for expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

### ***ENVIRONMENTAL QUALITY***

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways. The state also should explore alternative means of preventing and remediating water pollution.
- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.
- We support legislative and regulatory action to ensure that alternative on-site sewage systems (AOSS) will be operated and maintained in a manner that protects public health and the environment.
- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state's water supply planning efforts should continue to involve local governments.
- We support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens. In addition, we support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

### ***HEALTH and HUMAN SERVICES***

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.



- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has cut in half the number of Department of Juvenile Justice commitments over the past decade. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support funding for mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- We support the provision of sufficient state funding to match all available federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, and the Child Health Partnership and Healthy Families programs.
- The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

## **HOUSING**

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support the following: 1) local flexibility in the operation of affordable housing programs, 2) creation of a state housing trust fund, 3) local flexibility in establishment of affordable dwelling unit ordinances, 4) the award of grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

## **PUBLIC SAFETY**

**The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.**

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation. Local governments continue to provide much supplemental funding for constitutional officer budgets when state funding is reduced.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), the drug court program and the Offender Reentry and Transition Services (ORTS) (formerly Pre-Release and Post-Incarceration Services (PAPIS)), Community Corrections and Pretrial Services Acts. We also support continued state endorsement of the role and authority of pretrial services offices.
- The state should continue to allow exemptions from the federal prisoner offset and restore the per diem payment to localities for housing state-responsible prisoners to \$14 per day. Also, the state should not shift costs to localities by altering the definition of state-responsible prisoner.
- We support restoration of state funding responsibility for the Line of Duty Act.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.

**LOCAL GOVERNMENT STRUCTURE and LAWS**

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies. ~~and to simplify how notice of special meetings is provided to local governing body members.~~
- ~~• We support the State authorizing localities to increase the income and financial worth limitations for real property tax exemption or deferral programs.~~
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We oppose attempts to reduce sovereign immunity protections for localities.
- We support enactment of an interest rate cap of 36% on payday loans, fees and other related charges.

## RESOLUTION

**WHEREAS**, a task force of community members was convened by Dennis Rooker, the Jack Jouett District representative of the Board of Supervisors, to provide input to VDOT engineers on the design and construction of the Route 29 Western Bypass; and

**WHEREAS**, the Virginia Department of Transportation intends to issue on November 8, 2011 an amendment to the Route 29 Western Bypass design and build RFP (the RFP Amendment"); and

**WHEREAS**, the task force has concluded its study and discussion of certain issues related to the RFP Amendment; and

**WHEREAS**, the task force has identified the below recommendations to be included in the RFP Amendment that the committee considers to be critical to protecting the community; and

**WHEREAS**, those recommendations are outlined as follows:

- 1) Design Speed – The design speed will be 50 MPH.
- 2) Stoplights – No stoplights or u-turns on 250 Bypass at southern terminus interchange.
- 3) Traffic Noise – Include in RFP \$5 million separate allowance for noise reduction measures above minimum FHWA and VDOT standards. All neighborhoods and schools shall be protected from sound either by berms or sound barrier walls. Use berms and plantings, road depression and sound barrier walls to mitigate traffic noise. Where the bypass roadway is not sufficiently suppressed to provide adequate sound mitigation, bridges shall have lightweight sound absorbing barriers on both sides to reduce noise pollution projecting into schools and neighborhoods. Reduced noise pavement material shall be used for the length of the bypass.
- 4) Construction Noise – Construction noise shall be limited to 80 db and shall not exceed 70 db for more than 15 minutes in any hour as measured at the closest property lines. There shall be multiple sound level meters at nearby property lines during construction and VDOT will monitor sound on a continual basis.
- 5) Construction Times – No 24 hour construction. Limits on duration and time (7:00 a.m. – 7:00 p.m.) that construction can occur. No construction on Sundays and holidays.
- 6) Blasting – No crushing or grinding of rock on site. Contractor shall notify adjacent neighborhoods 24 hours in advance of blasting activities, specifying date and time of blasts. Best available techniques will be used to minimize blasting noise and impacts. Using noise meters, the contractor shall monitor noise and percussion impacts of blasting activities on neighborhoods and schools within 1500 feet from blast site.
- 7) Grades – No part of the bypass shall exceed 4 ½% maximum grade, excluding ramps.
- 8) Landscaping – Include in RFP \$1.2 million allowance specifically for landscaping. Use mixed broadleaf and evergreen plantings that will grow quickly. Large earth berms planted with trees and shrubs along the roadway shall be included to protect the Colonnades and all other impacted neighborhoods and schools from light, noise and visual impacts from the bypass.
- 9) Lighting – Where lighting is necessary, use shielded lighting on roads or bridges. Use on-road lighting instead of elevated lighting.
- 10) Bridge Aesthetics – Include in RFP \$6 million allowance specifically for bridge aesthetics. It is highly recommended that the Maryland Department of Transportation Guidelines for Bridge Aesthetics be followed.

11) Bridge Capacities – All temporary and permanent bridges over the bypass will be sufficient to give access to fully loaded fire trucks and emergency vehicles.

12) Public Input – VDOT and the contractor shall provide for multiple public input opportunities and public meetings (not just committee meetings). Between the time of the RFP award and final design, the contractor shall provide an opportunity for public input on the preliminary/conceptual drawings for the project including the contractor's proposals for noise abatement measures, lighting, landscaping and bridge aesthetics.

13) Southern Interchange – Consistent with maintaining a level of service of at least C for the design year 2036, the southern interchange and the relocation of the Rt. 250 Bypass will be designed to minimize impacts on the Canterbury Hills neighborhood, the St. Anne's Belfield School campus, the Colonnades senior living facilities, the Darden School, the UVA Law School and Leonard Sandridge Road. Specifically, we prefer the diverging diamond interchange design to the previous 1999 design\*\* that included a flyover ramp for northbound traffic from US250E Bypass to the US29N Bypass. Further, we recommend that (1) the US250E Bypass be relocated no farther north than the location shown in the 1999 design\*\*, (2) both the north and south bound lanes of the main road of the new US29 Bypass (north of the Southern Interchange) be located as shown on the 1999 drawings\*\* and (3) the south-bound ramp from the US29 Bypass to US250W Bypass be located as close as possible to the main lanes of the US29 Bypass. All roads and ramps north of the Southern Interchange should be located in one cut through the hill between St. Anne's-Belfield and the Canterbury Hills Neighborhood. **\*\* VDOT Route 29 Bypass, Design Plan, 6029-002-F22 PE101, ROVA-002-101 PE 101, Albemarle County, dated 8/31/1999.**

14) Lambs Road Area – In the Lambs Road area, the bypass shall go below grade. The bridge to be constructed on Lambs Road will go over the bypass at approximately the natural ground grade. As the bypass proceeds south from Lambs Road, it shall remain below grade with earth berms placed to prevent projection of noise and light pollution into homes in the Ivy Ridge, Ivy Farms, Lambs Road, Roslyn Heights and Roslyn Ridge neighborhoods and Albemarle High School, Jack Jouett Middle School, Greer Elementary School, and Ivy Creek School. The median in this area shall be minimized or eliminated.

15) Greer School Athletic Field – In accordance with the July 21, 2011 letter from the Albemarle County School Board and the County Superintendent of Schools to the Board of Supervisors and the MPO, the contractor will be responsible for relocating the disrupted athletic field at Greer Elementary School.

16) Roslyn Ridge – Bypass shall be depressed and located in such a way to take maximum advantage of the hill at the entrance to Roslyn Ridge in order to protect the neighborhood from noise. The bypass shall be located as close as possible to Hydraulic Road as it goes through Roslyn Ridge to avoid taking as much of the hillside and knoll as possible since they provide some natural sound and visual barrier from the bypass for the neighborhood.

17) Fill Material – No fill material used shall be toxic or hazardous.

18) Old Ivy Road Access – Access to Old Ivy Road and Falconer Drive from the 250 Bypass shall be maintained during and after construction.

19) Soil and Erosion Control Measures – Newly adopted DCR regulations concerning soil and erosion control shall be met or exceeded during construction and with respect to the final condition and operation of the bypass. Specific measures previously committed to with respect to protection of the South Fork Rivanna reservoir shall be adhered to.

20) Soil and Erosion Control Inspections – During construction, VDOT shall require the inspection of all erosion and sediment controls by qualified inspectors on at least a weekly basis to make certain the controls are fully functional and meeting all requirements.

21) Closure of Roads – Best efforts shall be made to minimize closures/one laning of affected roads (i.e. Barracks Road, Lambs Road, Roslyn Ridge Road, Earlysville Road, and Woodburn Road) during construction.

22) Minimize Construction Time and Impacts – Best efforts shall be made to minimize impacts and inconveniences to neighborhoods and schools. During the construction process, areas of construction will be

closed as quickly as possible to avoid long drawn out periods of construction impacts on neighborhoods and schools.

23) Pedestrian and Bicycle – Pedestrian walkways and bicycle paths shall be constructed or maintained on all roads crossing over or under the bypass. Pathways for citizens to safely walk or bicycle through, around, across, or under existing and new roadways, including the proposed bridge in the southern interchange over the Rt. 250 Bypass, shall be included in design and construction of bypass project.

24) Wells – Significant efforts shall be taken to prevent damage to existing wells during construction and to prevent contamination of private wells from road run-off and spills during and after construction. VDOT or the Contractor shall test all private wells within ¼ mile of the bypass right-of-way before and after construction. If any wells are impacted by construction, VDOT or the Contractor shall pay for their repair or replacement.

25) Utility Services – If there are power outages for homes, schools or businesses caused by construction or movement of utilities, these disruptions shall be kept to the absolute minimum, and residents shall be notified at least 24 hours in advance of the service interruption and the anticipated length of time of the interruption. Power to schools will not be interrupted during school hours.

26) Toll Free Number – Contractor shall provide a local or toll free number for receipt of complaints and questions throughout construction. A person who can address issues, not an answering machine or service, shall answer the calls.

27) Rt. 29 Widening Project – The RFP shall make it clear that Route 29 is being widened between the South Fork Rivanna River bridge and Hollymead Town Center, and the bypass project will be designed and constructed to tie into that project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors endorses the above recommendations and strongly encourages VDOT to accept these recommendations as part of the November 8 amendment to the RFP for the Route 29 Western Bypass, so long as these recommendations can be implemented while maintaining a design year Level of Service of no less than C.

**Albemarle County Environmental Stewardship Strategic Plan  
Fiscal Years 2013 through 2020**

**Vision:** To enable the Albemarle County community to reap the health, economic and environmental benefits of sound energy-based decisions by recognizing the Local Climate Action Planning Process Report of 2011 as a valid document to build upon a multi-year program.

**Mission:** To continue to demonstrate leadership in energy reductions at the local level; to build on existing synergies by continued collaboration with all community partners; to integrate the role of energy conservation and carbon emissions in projects and planning; to equip the community at all levels to make informed decisions about impacts of energy efficiencies.

**Goal 1:** Reduce energy demand in all County owned buildings and promote energy conservation throughout the County.

*Objective 1.1:* Build upon our current energy conservation program with additional goals. Beginning in January, 2013 pursue an Energy Management and Conservation Program for all County owned facilities that will reduce energy consumption by an additional 10% by December 2017 for a total energy reduction of 40% since the baseline year 2005.

*Objective 1.2:* Promote the dissemination of energy efficiency information for homes and businesses within the County. Continue to utilize local organizations such as LEAP to reach all aspects of the community. Support Governor McDonnell's 2010 voluntary Virginia Energy Plan to reduce Virginia's electricity demand by 10% by 2022 through conservation and efficiency.

*Objective 1.3:* Encourage the use of green building standards and practices for retro-fitting existing buildings and new construction by working with the building and business communities in offering choices of design for better efficiency.

**Goal 2:** Improve travel efficiencies to reduce energy consumption and emissions.

*Objective 2.1:* Reduce fuel consumption used in County owned vehicles by 20% by fiscal year 2017; by fiscal year 2020 have a fleet of vehicles where 25% operate on alternative fuel and the average has an average fuel rating of 28 mpg.

*Objective 2.2:* Continually analyze and adjust the County's fleet of vehicles to an appropriate level necessary to conduct the business of the County. Purchase vehicles that have multi-use ability. Reduce to the extent possible the use of private owned vehicles in conducting County business. The goal is to reduce the County fleet 25% from the 2010 baseline by fiscal year 2017.

*Objective 2.3:* Encourage all employers within the County to consider incentives for their employees to reduce fuel consumption. The County will continue to research and work with the City, UVA and local transportation services to identify and compile options for the community; encourage HOV travel; select local goods and services whenever economically feasible to reduce transport-related costs and enhance the local economy; and the use of telecommunication technology to reduce travel.

**Goal 3:** Promote and pursue the reduction of waste that goes to landfill.

*Objective 3.1:* Decrease the volume of materials generated by the County and sent to landfill by 2% each year for 10 years by adopting the "reduce, reuse and recycle" practice; adopt environmentally preferable purchasing policies as allowed by the Virginia Public Procurement Act.

*Objective 3.2:* Increase awareness of and opportunities for business and residents to recycle their used goods.

*Objective 3.3:* Communicate awareness of cost savings opportunities associated with renovation and rehabilitation of existing buildings versus new construction.