

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 13, 2011, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann H. Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 6:03 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Thomas said that he would like to present some letters related to the "money arm" of the Route 29 Bypass prior to the start of the public hearing.

Ms. Mallek stated that the agenda was adopted as presented.

Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Greg Quinn said he was present to discuss the issue of national security and how it affects Albemarle County and Charlottesville residents. He asked if County police and the Board have looked at contingency plans in the event something catastrophic would happen at NGIC. He asked if an infrastructure study has been done to get people around NGIC in the event it would shut down. If this has not been looked at, he asked that the County look at it in the future.

Mr. Charles Battig, a County resident, presented slides on the Agenda 21 document from the 1992 United Nations meeting. He reiterated his claims that ICLEI is attempting local control through international policy and stated that it is closely affiliated with the United Nations. He also presented information on ICLEI partners and information on its partnership with State and governmental organizations.

Agenda Item No. 6. Consent Agenda.

Motion was offered by Mr. Rooker to approve Items 6.1 through 6.2s on the Consent Agenda, and to accept Item 6.3 as information. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Item No. 6.1. Approval of Minutes: January 5 and February 2, 2011.

Ms. Mallek had read the minutes of January 5, 2011, pages 30-end, and found them to be in order.

Mr. Boyd had read the minutes of February 2, 2011, pages 176-end, and found them to be in order.

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

Item No. 6.2. Long Term Care Insurance Coverage for County Employees.

The executive summary states that the Virginia Retirement System ("VRS") offers eligible full and part-time employees of VRS participating employers the opportunity to participate in coverage under the Commonwealth of Virginia (COV) Voluntary Group Long Term Care ("LTC") Insurance Program. LTC insurance provides coverage for needed medical, rehabilitative and personal care services delivered at home, in nursing homes, assisted living facilities, hospices, and in other non-acute care settings. In order for County employees to be eligible for the LTC Insurance Program's upcoming Fall special enrollment period, the Board must elect to participate in the program by July 15, 2011.

The County does not currently offer LTC insurance coverage as part of its employee benefits options. LTC coverage is often requested by employees contacting the Human Resources Department. In the most recent Employee Benefits survey (November 2010), employees of both the School and Local

Government divisions listed LTC coverage among the top three optional benefits that they would like to see offered by the County.

Participation in this program is voluntary and LTC insurance is paid for entirely by the participating employees. There is no cost to the County to participate in this program. Genworth Life (which is underwriting the COV Voluntary LTC Insurance Program) will be solely responsible for communicating the offer to eligible staff, processing enrollments, and billing the employees directly. Participation would be open to eligible full and part-time employees and select family members. The County Attorney's Office has reviewed the Employer Adoption Agreement (Attachment A) and a summary of the Terms and Conditions for the plan and has not identified any legal issues of concern.

In accordance with the County's Personnel Policy P-08 regarding Commonality in Personnel Practices, the School Board is expected to consider approval of LTC insurance coverage for its employees on July 14. VRS recommends that employers mail the executed Agreements to them by July 15, 2011.

There is no anticipated budget impact.

Staff recommends that the Board approve the County's participation in the Voluntary Group Long Term Care Insurance Program and authorize the County Executive to execute the Employer Adoption Agreement on behalf of the County.

By the above-recorded vote, the Board approved the County's participation in the Voluntary Group Long Term Care Insurance Program and authorized the County Executive to execute the following Employer Adoption Agreement on behalf of the County:

**COMMONWEALTH OF VIRGINIA VOLUNTARY
GROUP LONG TERM CARE INSURANCE
PROGRAM
EMPLOYER ADOPTION AGREEMENT**

THIS AGREEMENT executed this ____ day of _____ 20__, between _____ hereinafter referred to as the "Employer", and the Virginia Retirement System ("VRS").

Recitals

- A. The Commonwealth of Virginia has established, and VRS has assumed responsibility for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program (the "Plan") in which employees of local governments, local officers and teachers, as defined in Section 51.1-513.3 of the Code of Virginia (1950), as amended (the "Code"), may participate, and
- B. Pursuant to the same section of the Code, the Employer desires to enter into an Agreement with VRS to permit participation in the Plan by its employees, and
- C. The official entering into this Agreement is duly authorized on behalf of the Employers Governing Body.

Agreement

NOW, THEREFORE, in consideration of the benefits arising from cooperation between the Employer and VRS to provide long term care insurance coverage to the employees of the Employer, the parties do agree as follows:

- 1. VRS represents and warrants to the Employer that it will comply with all applicable laws affecting the Plan.
- 2. VRS represents to the Employer that it shall provide sufficient services to administer the Plan and to appropriately respond to inquires by employees and participants.
- 3. The Employer acknowledges and agrees to the terms and conditions established in the Plan.
- 4. The Employer agrees to provide the VRS selected long term care insurance carrier with a mail file of all active employees, in the format provided by the insurance carrier.
- 5. When requested by VRS or the insurance carrier, the Employer shall permit the VRS selected long term care insurance carrier to conduct group and individual meetings for the purpose of explaining the Plan or enrolling employees on the Employer's premises during normal working hours subject to such reasonable restrictions that the Employer communicates in writing to VRS and which are accepted by VRS.
- 6. The Employer __ elects __ does not elect to offer their employees payroll deduction. If the employer elects to offer payroll deduction, the employer shall be responsible for remitting

premiums under the Plan to the VRS-selected long term care insurance carrier in accordance with the established processes and procedures promulgated by VRS or the insurance carrier.

7. This Agreement may be amended from time to time by written agreement between VRS and the Employer.
8. The term of this Agreement shall be for three years beginning on the date of its execution, and thereafter may be terminated by either party upon 60 days written notice to the other party.

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

Employer

Virginia Retirement System

By: _____
Title: _____

By: _____
Title: _____

RETURN TO: Virginia Retirement System
P. O. Box 2500
Richmond Virginia 23218
Attention: Long Term Care

Item No. 6.2a. Resolution to set FY12 Compensation and Benefits for the County Executive.

In a memorandum dated, July 13, 2011, Mr. Larry Davis, County Attorney, forwarded a resolution that sets the salary and benefits for the County Executive for FY12 beginning July 1, 2011. The resolution reflects a 1% increase in salary which is the same percentage salary increase that was approved for all County classified employees effective July 1st. All other compensation and benefits for the County Executive are unchanged from FY11.

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

**RESOLUTION TO SET FY 12
COMPENSATION & BENEFITS FOR
THE COUNTY EXECUTIVE**

WHEREAS, the County of Albemarle operates under the County Executive Form of Government; and

WHEREAS, the Board of Supervisors determines the compensation and benefits to be paid to the County Executive for the performance of his duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby deems that Thomas C. Foley, County Executive, shall receive the following compensation and benefits for FY 12, beginning July 1, 2011:

- 1) Annual salary of \$ 166,650.
- 2) Annual vehicle allowance of \$6,000.
- 3) Annual deferred Compensation paid by the County in the amount of \$16,500.
- 4) Annual leave equivalent to that of a County employee with twenty one (21) years of consecutive employment with the County.
- 5) Such other benefits provided to all County employees in the Personnel Policy & Procedures Manual.
- 6) In the event of termination by the Board or resignation at the request of the Board , the continuation of salary and health insurance benefits for six months on a monthly basis beginning the next month after the date of separation from employment.

Item No. 6.3. Copy of letter dated June 28, 2011 from Mr. Francis H. MacCall, Senior Planner, to J. Walker Richmond, *re: LOD-2011-0003 - OFFICIAL DETERMINATION OF PARCEL OF RECORD AND DEVELOPMENT RIGHTS – Tax Map 25, Parcel 27 (property of Ronald I or Tamara M. Goughnour) White Hall Magisterial District, was received for information.*

Agenda Item No. 7. Update: Use Value Tax – Revalidation.

The following executive summary was forwarded to Board members:

Albemarle County offers reduced use value assessments for qualifying property in documented agricultural, horticultural, forestal, and open-space uses. In 2008, the Board elected to require owners to revalidate (or document) their qualifying uses on a biennial basis. At its June 8 meeting, the Board requested an update on the status of the first revalidation cycle, as well as the revalidation process going forward

Virginia Code § 58.1-3234 authorizes the governing body of any county, city, or town to require property owners receiving use value assessments to revalidate any previously approved application.

Revalidation requires participating property owners to confirm and provide documentation that the property continues to meet use requirements.

2010 Revalidation Process

In July 2009, 4,927 revalidation forms were mailed to property owners receiving use value assessments. Approximately 95% of all revalidations were returned by the late filing deadline. The large response was due to an aggressive information campaign that included press releases, newspaper advertisements, second notice mailings and final notice mailings by certified mail. Additionally, individual Board members participated in four public question and answer sessions and made calls to constituents prior to the filing deadline.

Of the 4,927 revalidation submissions, 3,072 have been reviewed to date. 2,512 of those reviewed have been approved for revalidation; 379 parcels are pending additional information, and 181 parcels have been issued roll back taxes totaling \$2,076,407, most of which (91%) have been collected to date. The remaining field reviews of the current (2010) revalidation cycle (approximately 1,855) will be completed prior to the second revalidation cycle, which begins September 1, 2011. Site inspections tend to occur during summer months to coincide with the growing season.

A primary focus in the first revalidation cycle was to educate participants on qualifying standards, to move marginal properties to the correct qualifying category and to improve the database by remapping parcels that had changed qualifying categories since their initial qualification for land use value taxation.

2011 Revalidation Process

Revalidation forms for the 2012 cycle are scheduled to be mailed on July 15, 2011, which will allow participating property owners six weeks to return their completed forms. Completed forms must be submitted by the September 1, 2011 deadline to avoid any late filing fee. Late filing of a revalidation form may be made until December 5, 2011 upon payment of a late filing fee of \$125 per parcel. No forms can be accepted after December 5, 2011.

As with the 2010 revalidation cycle, during the 2012 revalidation process:

- 1) Assessment staff will be available to answer questions regarding revalidations during normal business hours;
- 2) Assessment staff will be available to speak to public or civic associations on the revalidation process;
- 3) An insert with answers to Frequently Asked Questions (FAQs) will be included with the revalidation forms mailing;
- 4) Forms will be mailed in a large envelope marked "Important Revalidation Information";
- 5) Press and news releases will be issued to remind the public of deadlines for the revalidation.

Submitted forms will be reviewed as they are received. Follow-up requests for required data will be made on filings lacking required information. Field reviews for the 2012 revalidations will begin in the Spring of 2012 and will follow the same pattern as the prior revalidation. Each parcel receiving use value assessments is scheduled to be revalidated and reviewed on this two-year cycle.

Normal mailing and office supply expenses are anticipated. It is difficult to estimate the amount of roll back taxes that may be generated by the 2012 revalidations due to the uncertainty of how many parcels may fail to qualify.

This executive summary is intended for information purposes and to address the Board's questions. No action by the Board is required.

Mr. Bob Willingham, Real Estate Assessor, said that the Board had asked staff for an update on the 2010 Land Use Value Revalidation Program. He reported that the County mailed out approximately 4,900 revalidation forms and received about 95% of those due to a good public relations program – including four community association meeting sponsored by Board members as well as personal calls made by them. He said that of the 4,900 the County has reviewed about 3,072 with just over 2,500 approved for revalidation to date, 379 parcels still pending information before they can be revalidated, 1,800 field reviews left to conduct and 181 parcels removed from the program for non-compliance. Mr. Willingham noted that the County has issued rollback taxes in excess of \$2 million. He said that all work for the last revalidation should be wrapped up by September 1. The process will then begin again and within the following week, staff will be mailing out the 2012 revalidations. Staff plans to follow the same process including press releases and newspaper advertisements. Staff is available if any Board member wants them to attend a public session.

Mr. Willingham said he thinks staff has done a good job in educating participants in the program. They have worked with people who were marginal to becoming totally in compliance and they have worked with people who totally did not understand the categories that they were in to move to a proper category. He added that the open space category has become very popular.

Mr. Snow asked if citizens must have their applications in December 2011.

Mr. Willingham responded that the filing deadline without penalty is September 1. Between September 2 and December 5 revalidations would be accepted with a \$125 late fee per parcel. He also said that anyone who purchases a property that is in land use receives a letter from the County indicating

they have bought a piece of property within land use and asking them to contact the County with any questions.

Ms. Mallek asked if the letter is explicit in letting people know that if they change use on any part of the farm that they need to let the County know. Mr. Willingham said he does not know the exact verbiage in the letter, but it does tell them that if they want to make any changes, they have to contact the County.

Ms. Mallek asked about the acreage associated with the 181 parcel that were issued roll back taxes. Mr. Willingham said he does not know the total acreage, but can get the Board that information.

Mr. Snow asked about getting a list of the properties located in their respective districts. Mr. Willingham said staff can provide Board members with a list of every property in the district and the owner. Ms. Mallek said having that information would be helpful.

Agenda Item No. 8. Public Hearing: PROJECT: ZMA 2010-03 Morey Creek Professional Center (Concurrent with SP-2010-09 for a parking structure).

PROPOSAL: Rezone 12.606 acres from the PRD Planned Residential District, which allows residential (3 - 34 units/acre) with limited commercial uses to PD-MC Planned Development Mixed Commercial, which allows large-scale commercial uses; and residential by special use permit (15 units/acre) to permit 100,000 square feet of general office space and a parking structure. No residential units are proposed.

PROFFERS: Yes. Concurrent with ZMA2010-03, the following proposed special use permit ("SP") within the proposed Morey Creek Professional Center authorized by Zoning Ordinance § 25A.2.2(1):

PROJECT: SP-2010-09 Morey Creek Professional Center-Parking Structure (concurrent with ZMA 2010-03).

PROPOSAL: Allow parking structures; reference Zoning Ordinance § 23.3.3(4), Parking structures. (Reference 4.12, 5.1.41).

The following information applies to both ZMA 2010-03 and SP 2010-09:

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Service -- neighborhood-scale retail, wholesale, business, and residential (6.01-34 units/acre) in Neighborhood 6.

ENTRANCE CORRIDOR: 76-12A is within the EC; 76-12G is not within the EC.

LOCATION: Fontaine Avenue Extended, adjacent to the west of Buckingham Circle.

TAX MAP/PARCEL: 076000000012A0 & 076000000012G0.

MAGISTERIAL DISTRICT: Samuel Miller.

(Advertised in the Daily Progress on June 27 and July 4, 2011.)

Mr. David Benish, Chief of Planning, reported that this proposal is to rezone 12.6 acres from PRD to PDMC with proffers and to receive approval for a parking garage. He added that there are also critical slope waivers involved. He said that the location is west of the Route 29 Bypass on Fontaine Avenue just west of the Fontaine Research Park, adjacent to Buckingham Circle.

Mr. Benish stated that at the Board's public hearing on May 11 they directed the applicant to remove the daycare facility in order to reduce traffic impacts and for the applicant to proffer the architectural renderings shown at that meeting. He said the applicant has addressed those issues and has eliminated the daycare center from the application plan, as well as modifying the proffers referring to permitted uses to specifically preclude daycare centers. Mr. Benish added that on proffer #5 the applicant has proffered the renderings that were proposed and shown on May 11th. He presented the renderings to the Board.

Mr. Benish stated that residents in the Buckingham Circle area have expressed concern with the proposal – including the size and scale of the development and traffic impacts, among other issues. He said that staff feels those issues have been addressed, with the traffic impact addressed to the extent that the daycare has been eliminated – thus reducing traffic generation by approximately 1,200 trips per day.

Mr. Benish reported that he has met with neighborhood representatives yesterday and they still have concerns, particularly about the scale of the building – which is 100,000 square feet. He said there is also a special use permit for a parking structure, which allows for more efficient use of the site and brings the spaces closer to the structure – with the footprint of the overall development including the parking garage is about 33% of the total site. Mr. Benish reported there are two critical slope areas, with one area basically comprised of old fill and a manmade critical slope, and the second being part of the stream buffer area near the entrance to the structure.

He said that favorable factors are: the proposal is consistent with the Comp Plan for uses in a commercial area and given the particular characteristics of the site; the proffered traffic improvements have addressed traffic concerns; the conceptual plan preserves significant environmental features onsite; the parking garage provides for more efficient use of the site as will the critical slope waivers.

Mr. Benish noted that unfavorable factors identified include generation of additional traffic to this area. Staff recommends approval of ZMA-2010-0003 with proffers provided and SP-2010-0009, along with approval of the critical slope waivers.

Mr. Snow asked if the traffic study was done before or after the daycare was eliminated. Mr. Benish replied that it was done beforehand.

Mr. Snow asked if the areas rated at a level of service "D" or level of service "E" have improved dramatically. Mr. Benish responded that the applicant could clarify whether traffic modeling was reassessed, but certainly a reduction of 1,200 trips would be significant.

Ms. Mallek noted that it is a 40% reduction in vehicles. Mr. Benish responded, "yes".

Mr. Boyd asked if anything was left off the list of items to be done that the Board had outlined in its previous review of this application.

Mr. Benish responded that the two particular items were specific renderings of the building design and the elimination of the daycare center, and those have been addressed.

Mr. Snow asked if the cutoff lighting requirement is already part of the plan. Mr. Benish replied that there are ordinances in place to address a number of those concerns, with other concerns being addressed at the site plan review stage.

At this time, the Chair opened the public hearing on ZMA-2010-03 and SP-2010-09.

Mr. Bill Daggett, of Daggett & Gregg Architects, addressed the Board. Mr. Daggett said the applicant has addressed the two issues as outlined by the Board. The daily trips were approximately 2,550 when there were both the daycare and the office building – but without the daycare center there is a traffic impact reduction of 1,350 trips or 47%. He stated that morning peak trips were initially 375 and that reduces to 185, a 51% reduction; peak trips in the evening were initially 380 and have been reduced to 190 or 50%. Mr. Daggett said the A through F categorization did not change substantially but did improve for the PM peak at the Fontaine northbound ramps, but otherwise stayed relatively the same.

Mr. Daggett stated that representatives from HSF, The Timmons Group and himself are available to answer any questions.

Ms. Mallek asked about the height of the structures. Mr. Daggett explained that the parking structure has a ground level and two levels above that – a two floor building. The main building has parking underneath it and there are three floors to that building, but because of the slope of the site at the upper end, it is only a two story building. Referring to the renderings of the structures, he said that this is nestled into the site and at the bottom or lower part of the site, it ends up being four stories but they have stepped the building back so as to alleviate any four-story wall.

Mr. Donald Day, a resident of Buckingham Circle, said that this request is unjustified and the building is completely out of scale for the neighborhood. The PRD is not a bad designation for the site. Mr. Day mentioned an email from Mr. Eric Strucko of the Health Services Foundation that said Fontaine has 225 parking spaces and 100 at the medical center. Currently HSF has 60,000 square feet and at Fontaine they only use 40,000. Mr. Day said the applicants do not need another 100,000 square feet to house the same number of people. They also want 40,000 to house someone else that they have not revealed. He believes that they want to go into the rental business in his neighborhood. This project is totally out of scale. The site has only about four acres of building space and they want to occupy all of it. He noted that all of the runoff from the building would go into Morey Creek and the wetlands nearby. Mr. Day stated that he researched how many office buildings in the County have between 60,000 and 400,000 square feet and found 17 – including one owned by HSF currently – with this new facility being the second-largest office building in the County and the only one not in a designated office park. Mr. Day said that putting this in a residential neighborhood would be a terrible precedent for the County. He provided photographs of the locations of the other large office buildings.

Mr. Day said that the previously proposed PRD would generate a lot more money for the County than this development. The request for a zoning change must be contingent on some motivating, compelling public interest, but none has been demonstrated here. He stated that there is no financial benefit to the County; this is an existing business not a new one; it violates the Neighborhood Model and is completely out of scale, and there is no public service aspect to this. Mr. Day noted that the staff report had said the inclusion of the daycare center brings the proposal closer to the intent of neighborhood service designation but now that cannot be claimed.

Mr. Day recommended that the community wants HSF to come into the neighborhood but not as a bully, and asked the Board to deny the project until the applicant returns with a project that is in scale with the neighborhood and protects public interest. He suggested having the building and parking garage reduced by 40%, setting lighting limits at the boundary no more than 40 feet from the edge of the building, and using human security rather than lighting at the interior and parking garage. If the Board denies this request, HSF will not be homeless; they own a 60,000 square foot building of which they are only using 40,000. HSF can always stay where they are.

Ms. Regina Carlson said that she has been a homeowner in Buckingham Circle for 25 years. She is not anti-development but she shares her neighbors' concerns that this proposed office building is out of character with the area. Ms. Carlson said that the Planning Commission cited the project's location in a commercial district as a favorable factor, but once you go south of the Route 29/250 Bypass it becomes a rural, residential area. She stated that the current zoning of PRD is just ideal and her concern is that the scale of the proposed building is way oversized for a rural, residential neighborhood. She asked the Board to consider scaling back the building to no more than 60,000 square feet. She asked why would they have a building this large in a neighborhood with this character.

Ms. Brie Gertler, a resident of 141 Buckingham Circle, said that she has lived on Buckingham Circle since 2005. She first emphasized that the building is too big. She said this would end up being the second largest office building in the entire County, and all other buildings near this size are off in industrial parks, are near the Airport, or are segregated away from residential areas in the Fontaine Research Park. Ms. Gertler said that Buckingham Circle is 60 years old with small houses and large lots, and no matter how much effort is put into mitigating the impacts of the new building it is going to be absolutely crushing to what is a treasure right in the heart of Charlottesville. She also stated that the developers are only planning to use 40,000 square feet but they desire adding more employees and other buildings doing the same kind of work. She supports something being developed on this site, if it is reasonable. She said that the way to balance this is compromising on the size of the structure.

Ms. Anita Holmes, a resident of Buckingham Circle, said that her continuing concern is the size of the proposed project – a 100,000 square foot building plus a huge parking garage on approximately five acres, which does not really jive with the County's land use plan – which would allow 40,000 square feet on that acreage. She said the land is a small, L-shaped ridge along a stream, which four years ago was the focus of a letter she received from the County stating that the stream was impaired and offering to share the cost for her to plant riparian buffer on her property. Now the County is saying the same endangered stream can accommodate a big, greasy parking garage and a building the size of a football field and several stories high – adjacent to a modest neighborhood. Ms. Holmes stated she is not clear as to why the developer would get 100,000 square feet when they only need 40,000, against the wishes of would-be neighbors. She is also concerned that the design of the building does not blend with the neighborhood or environment. The design is modern, handsome and powerful. She emphasized that the sharp angles and use of steel, brick and glass in the design make it stand out harshly from Buckingham Circle and its natural features.

Ms. Holmes requested that the Board ask HSF to revisit the exterior design of the main structure and parking garage to find ways to soften and blend the structures with the neighborhood, perhaps using stone instead of brick, add some roundness and make it more inviting. She will be happy to meet with Mr. Daggett to discuss ideas to making the building something that the residents would enjoy look at. The whole back side is only seen by the residents. They want to be good and happy neighbors and they want to feel that they live in a neighborhood, not a business park. She said that she appreciates that the Board understood the traffic problems enough to scratch the daycare center, but there are still traffic issues. If there is going to be a light at the bottom of the exit ramp on Route 29 southbound, they will need a sign posting "no turn on red" during the rush hours, otherwise the residents will never get out to turn left. She believes that traffic will be multiplied expediently by this project. The residents do live in a dark corner of the County close to the City and they can see the constellations at night – they like it that way. She asked the Board to consider the lighting issues on the proposed property and how to make the parking garage invisible from the Circle and lower the lighting use for the other building.

Ms. Elena Day, a resident of 151 Buckingham Circle, said that she has lived on Buckingham Circle since 1979. She asked the Board not to allow such a large project to occur at the end of Fontaine Avenue Extended. Ms. Day said that the size is inappropriate to try to fit such a huge building with commensurate parking. Ms. Day emphasized that this is not an appropriate structure for an 11-acre structure of which only five+ acres are buildable, noting that it is on a creek and a wetland. She does not think that much more asphalt added to the side of a perennial stream is not a good idea especially since it flow into Moore's Creek and then into the Rivanna River. Bigger does not mean better, nor does it mean appropriate. She asked that the Board listen to people who have lived on Buckingham Circle for many years in regards to this issue. She asked the Board to not allow HSF to build a building that is inappropriate to the site; a 40,000 to 60,000 square foot building would be appropriate.

There being no further public comment, the public hearing was closed, and the matter was placed before the Board.

Ms. Mallek asked Mr. Daggett if this is being designed for 100% capture of stormwater onsite. Mr. Daggett responded that they are, and will be using a green roof to minimize impacts as well. There will be no negative impact on the stream within the codes.

Mr. Rooker said it would be helpful to hear what measures have been taken with the design to help blend the building in with the environmental features of the area.

Mr. Daggett explained that they have benched the parking structure into the site and as a result all of the retaining is now buried inside the parking structure which allows for a building façade instead of a blank wall. The building itself has been benched into the site. They are now only two stories at the top and because of erosion of the building, by stepping its mass back, they are only two stories at the bottom side of the site. They have tried to work those together to reduce the impact of this on this property and on the surrounds as much as they possibly can. He added that the building is only marginally taller than the originally proposed townhouse development, but only in the far back corner. Mr. Daggett said the other development was a full story to a story and a half taller all the way across the parking garage, whereas this project is nestled into the site. The design is geared towards creating as little visual impact on Buckingham Circle as possible. He stated that there is a layer of deck parking on the ground, partially under the building and partially under the parking structure, and a second layer of the parking structure associated with the first story of the building and then the top of the parking deck which only has about a four foot rail. The railing will prevent any overwash of headlights.

Mr. Boyd asked Mr. Daggett to explain the square footage of the building.

Mr. Daggett responded that the square footage is based upon two programs offered to the County that staff had asked for – one done by Pye Interiors in March 2010 in response to HSF's needs analysis, and one done by Pye of a sister organization that performs a similar function but for a different part of the medical center. He said that this is intending to "marry these two" in the same space to generate the kinds of efficiencies of operation that would continue to help keep healthcare costs as low as possible.

Mr. Eric Strucko, Chief Financial Officer of the Health Services Foundation – which will soon become the University of Virginia Physician's Group, explained that the HSF looked at the history of this site. In the past this site was zoned commercial and had a Chinese restaurant and motel on it. It was then rezoned for residential development for 55 townhouses with a total square footage of 170,000 square feet. He said that the HSF's 100,000 square feet seemed to be minimizing the impact if by-right use would have taken place. He said that HSF is also proffering about \$4 million in road improvements – adding turn lanes and adding signalization to improve traffic flow that is already there.

Mr. Strucko explained that HSF is one of three entities in the U.Va. Health System - the medical center, the school of medicine and the physician group practice – so the use is to benefit the entire health system and not just HSF. He said that HSF does professional billing for physicians and the hospital has a similar service that is of equal size located on West Main Street - that sister organization is the University of Virginia Medical Center Patient Financial Services Finance and Accounting function. He said that bringing the hospital billing and physician billing together creates synergies and makes it more convenient for patients to settle bills or to ask questions instead of going to two locations. The Hospital's billing and collections operations currently leases space on West Main Street. Their plan is to build a facility where they can eventually bring these two wings of the organization together. He noted that there are no hard and fast commitments yet, but the HSF has had conversations with them and that is the plan. They are also a supporting foundation of the University and any other tenant that locates in this building would be a University-related entity or organization and perform similar administrative services. Mr. Strucko also emphasized that the new parking arrangement aligns with all Neighborhood Model and Comprehensive Plan principles.

Ms. Mallek commented that the middle of the day would be relatively quiet as most of the people are onsite rather than having large numbers of people coming and going.

Mr. Strucko replied that HSF employees arrive at work between 7:00 a.m. and 8:30 a.m. and leave between 3:30 and 5:30 p.m., so there is not a massive rush hour although there are some intensive traffic periods. There will be little or no activity on the site on weekends.

Mr. Rooker said this came to the Board before, and the biggest issue at that time was traffic – with 50% of it being generated from a daycare center – so the Board requested that the applicant consider withdrawing that part of the application, which basically cut the impact in one-half. He also stated that the developers have made a great effort to fit the building into the site and present a design that is very aesthetically pleasing but had not proffered the design originally, and now the applicant has presented an application that has done those things. Mr. Rooker said that in looking at impacts, it must be considered that this is not a rural piece of property being rezoned but was previously zoned for commercial and then high-density residential that did not ultimately develop. He stated that when comparing impacts to by-right use, the impacts would be less, and commercial near residential is rarely if ever perfect, but the applicant met requirements in response to neighbors' concerns.

Mr. Snow agreed, stating that the Board was ready to vote at the last meeting on this but counsel recommended delaying the vote until some things were in writing.

Mr. Snow then **moved** to approve ZMA-2010-0003 subject to the proffers dated June 17, 2011. Mr. Thomas **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow
NAYS: None.

Mr. Snow **moved** to approve SP-2010-0009 with no conditions. Mr. Boyd **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow
NAYS: None.

Mr. Snow **moved** to approve the critical slopes waiver with no conditions. Mr. Boyd **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow
NAYS: None.

(Note: The proffers are set out in full below:)

Original Proffers _____
Amendment _____

PROFFER STATEMENT

ZMA No: **2010-00003 Morey Creek Professional Center**

Tax Map and Parcel Number(s): **Tax Map and Parcel Numbers 07600-00-00-012A0 & 07600-00-00-012G0.**

Owner(s) of Record: **University of Virginia Health Services Foundation**

Date of Proffer Signature: June 17, 2011

12.606 acres to be rezoned from PRD (Planned Residential Development) to PI-MC (Planned District — Mixed Commercial) in accordance with the Application Plan dated March 15, 2010, and last revised on May 16, 2011 (the "Application Plan").

University of Virginia Health Services Foundation, is the owner (the "Owner") of Tax Map and Parcel Numbers **07600-00-00-012A0 & 07600-00-00-012G0** (the "Property") which is the subject of rezoning application ZMA No. 2010-00003, a project known as "**Morey Creek Professional Center**" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. The Owner shall construct, at its expense, an off-site asphalt-paved pedestrian walkway and other improvements in accordance with standards for such walkways of the Virginia Department of Transportation (VDOT), as specified in the VDOT Road Design Manual, from the southeast corner of the site within the existing public right-of-way along the north side of Fontaine Avenue to the Fontaine Business Park intersection as shown on Sheet C2.0 Pedestrian Pathway and Offsite Waterline of the Application Plan. The walkway and other improvements shall be completed prior to the issuance of the certificate of occupancy for the office building.
2. The Owner shall design and construct a pedestrian/bicycle bridge crossing Morey Creek, as shown on the Application Plan, to a standard approved by the County Engineer, and it is to be a fully engineered clear span bridge, similar to the "Connector" bridge as manufactured by the Steadfast Bridge Company (1-800-749-7515) or an equivalent bridge approved by the County Engineer. The bridge shall be designed and constructed above the 100-year flood plain. The bridge shall be completed, as reasonably determined by the County Engineer, prior to the issuance of the certificate of occupancy permit for the office building.
3. The Owner shall provide a loading space for the JAUNT bus to a standard approved by the County Engineer, in consultation with Charlottesville Area Transit (CAT), JAUNT, and/or VDOT. Space may be provided on the main entrance road or on the parking deck as determined by the Owner at the time of site plan approval. The JAUNT loading space shall be completed, as reasonably determined by the County Engineer, prior to the issuance of the certificate of occupancy for the office building.
4. The Owner at its expense shall design, bond and construct the following transportation improvements:
 - A. A traffic signal at the Fontaine Avenue/US 29 Northbound Ramp intersection. The signal shall be constructed upon approval of VDOT and in accordance with current VDOT standards. The traffic signal shall be installed and operational within six (6) months after VDOT approves the signal design, and not later than twelve (12) months after the County and VDOT request the installation of the signal.
 - B. An eastbound right turn lane within the public right-of-way on Fontaine Avenue at the US 29 Southbound Ramp intersection as shown on "Morey Creek Professional Center and Fontaine Research Park Improvements" (Attachment A). The right turn lane shall be designed and constructed in accordance with current VDOT standards. Construction of the right turn lane shall be completed not later than twelve (12) months after the County and VDOT request construction of the right turn lane.
 - C. A traffic signal and additional lanes at the Fontaine Avenue/U.S. Route 29 Bypass Southbound Ramps intersection, as shown on the drawing entitled "Morey Creek Professional Center and Fontaine Research Park Improvements" prepared by the Timmons Group (Attachment A), according to one of the two options below to be approved by VDOT at the time of signal design and construction. The traffic signal shall be installed and operational and construction of the additional lanes shall be completed within six (6) months after VDOT approves the signal design, and not later than twelve (12) months after the County and VDOT request the installation of the signal.

1. Construct an additional westbound lane on Fontaine Avenue from the northwestern corner of the northbound ramps intersection to the southbound ramps intersection to provide a shared through and left-turn lane. Restripe the existing westbound lane as an exclusive left-turn lane to provide dual left-turn movements onto the southbound ramp. Both lanes shall provide full-width storage between the northbound and southbound ramps intersections. Widen the southbound on-ramp to receive dual left-turns, and add a merge section to reduce the two lanes to one lane. Reconstruct the pavement between the northbound and southbound ramps and under the bridge. Install a traffic signal to operate with split-phasing and interconnect with other study area traffic signals;
OR
2. Construct an exclusive left-turn lane on the westbound approach by modifying the existing median to provide back-to-back left-turn lanes with the eastbound left-turn lane at the U.S. Route 29 Bypass Northbound Ramps intersection. Construct an additional westbound lane on Fontaine Avenue from the northwestern corner of the northbound ramps intersection to the southbound ramps intersection to provide an exclusive westbound through lane. Restripe the existing westbound lane as an exclusive left-turn lane to provide dual left-turn movements onto the southbound ramp with the addition of the new left-turn lane. Widen the southbound on-ramp to receive dual left-turns, and add a merge section to reduce the two lanes to one lane. Reconstruct the pavement between the northbound and southbound ramps and under the bridge. Install a traffic signal to operate with standard left-turn phasing and interconnect with other study area traffic signals.
5. The Owner shall design and construct buildings on the site in general accord with the renderings prepared by Daggett & Grigg Architects, entitled "Morey Creek Professional Center View from Buckingham Circle w/ Morey Creek PC Model" (Attachment B) and "Morey Creek Professional Center Revised Elevation at Fontaine Ave.—6' Offsets w/ continuous Fascia" (Attachment C), as reasonably determined by the Director of Planning and the Zoning Administrator. To be in general accord with the renderings, buildings shall reflect the following major elements:
 - Building massing including setbacks in the horizontal and vertical planes shall remain generally as shown in the renderings
 - The building elevation along Fontaine Avenue, including setbacks of 6 feet every 60 +/- feet horizontally shall be generally as shown in the renderings. A continuous fascia/sunshade at the second floor will be included.
6. The uses of the buildings described on Attachment B and Attachment C permitted by right shall be all those uses allowed by right under Section 25A.2.1 of Chapter 18, Zoning, of the Albemarle County Code, as that section is in effect on July 13, 2011, except for "day care, child care or nursery facility" (reference 5.1.6), a use otherwise permitted by right in the Commercial Office zoning district under Section 23.2.1(12) and therefore otherwise permitted by right in the PD-MC zoning district under Section 25A.2.1(1). Copies of Sections 23.2.1 and 25A.2.1 are attached hereto and incorporated herein as Attachment D.

OWNER

(Signed) Eric J. Strucko

By: Eric J. Strucko

Title: Chief Financial Officer

University of Virginia Health Services Foundation

Agenda Item No. 9. **Public Hearing: Route 29 Western Bypass.** Public comment on Albemarle County's position to support the proposed construction of a Route 29 Western Bypass. (Advertised in the Daily Progress on June 27, 2011.)

Mr. Rooker read a statement indicating that he and his wife own a 7.1% interest in Roslyn Ridge LLC, which owns property identified as Tax Map Parcel 45-18, located adjacent to property acquired for the proposed Route 29 Western Bypass. Mr. Rooker said that he is also registered agent for Roslyn Ridge LLC, which is owned by the original property owners in the Roslyn Ridge neighborhood and was purchased to protect the neighborhood. He stated that he is also a member of a group that might be affected, which is comprised of numerous persons with personal interest in the ownership of property located adjacent to property acquired for or necessary for the proposed bypass. Mr. Rooker said that he believes he is able to participate in this transaction fairly, objectively and in the public interest – and has a statement on file to that regard.

Prior to beginning the public hearing Ms. Mallek outlined the Board's rules and procedures for speaking.

Mr. Thomas reported that he and Mr. Snow traveled to Richmond and met with the VDOT Commissioner to find out where all the money was coming from and if the State would do what the County wanted them to do.

Mr. Thomas stated that he received three pieces of correspondence today: 1) a letter with the subject: Reasonable Assurance of Funding to Key Albemarle County Transportation Projects; 2) a letter from the Federal Highway Administration on the money that has to be paid back to the Federal government; and 3) legislation explaining why the money would have to be paid back.

Mr. Thomas then read the three documents as set out below:

“July 11, 2011

Mr. Rodney Thomas, Chairman
Charlottesville-Albemarle Metropolitan Planning Organization
PO Box 1505
Charlottesville, VA 22902

SUBJECT: Reasonable Assurance of Funding for Key Albemarle County Transportation Projects

Dear Mr. Thomas:

The Virginia Department of Transportation (VDOT) acknowledges the Charlottesville-Albemarle Metropolitan Planning Organization's (MPO) renewed interest in the Route 29 Western Bypass of Charlottesville and the proposed widening of Route 29 between the Rivanna River Bridge and the Hollymead Town Center development in Albemarle County. Improvements to the corridor are critical to continued economic growth in the MPO region and the Commonwealth.

I would like to respectfully request that the MPO amend the region's 2035 Constrained Long Range Plan (CLRP) and the FY12-15 Transportation Improvement Program (TIP) to include construction of the Route 29 Western Bypass. It is VDOT's intent to request funding for implementation of the Western Bypass and Route 29 widening projects through the Six Year Improvement Program at the July Commonwealth Transportation Board meeting.

The addition of these two projects will not impact funding allocations to any other projects within the MPO study area. VDOT will provide the MPO with a detailed project description and financial information necessary to amend the CLRP and TIP once the Commonwealth Transportation Board takes action to amend the Six Year Improvement Program.

I foresee the involvement of the Charlottesville-Albemarle MPO as essential to the success of moving the Route 29 Western Bypass and the Route 29 widening projects forward. As always, either I or my staff will be available to respond to any questions that you may have.

Sincerely,
(Signed)
Gregory A. Whirley, Commissioner
Department of Transportation”

Mr. Snow noted that he and Mr. Thomas asked Commissioner Whirley for an additional letter that would be more specific about the projects being included – such as the Hillsdale Extension, with information funding that fully, the replacement of the Belmont Bridge being accelerated by two years, and design of the Bridge for the Bypass so that it accommodates the Berkmar Extension.

Mr. Thomas stated that this would be in resolution form to be presented to the MPO.

Mr. Thomas then read the following letter from the Federal Highway Administration:

“June 30, 2011

Mr. Gregory A. Whirley
Commissioner
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Dear Mr. Whirley:

This is to follow up on your inquiry regarding the repayment of federal funds that were authorized for the U.S. Route 29 Bypass in Charlottesville. Federal funds were initially authorized in 1992 for the advanced acquisition of right-of-way of this project. In accordance with our regulations, construction has to be taken 20 years after the authorization date or those funds will have to be repaid. However, our regulations allow for a State to request an extension beyond the 20-year time limit for valid reasons, with no repayment of federal funds. In the event that you need to request a time extension we are willing to consider your request.

If you have any questions or would like to discuss this issue, please contact Barbara Middleton at (804) 775-3341.

Sincerely,
(Signed)
Irene Rico
Division Administrator
Federal Highway Administration”

Mr. Thomas noted that the above letter was also copied to Secretary of Transportation Mr. Sean Connaughton, and Mr. Rick Walton and Mr. Richard Bennett of VDOT.

Mr. Thomas explained that the third document is a copy of Chapter 1025 from the State Code:

An Act to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:9, relating to construction of a U.S. Route 29 bypass around cities in certain counties.

[S 670]
Approved May 21, 2004

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:9 as follows:

§33.1-223.2:9 Construction of U.S. Route 29 bypass

If the construction of a U.S. Route 29 bypass around any city located in any county that both (i) is located outside Planning District 8; and (ii) operates under the county executive form of government is not constructed because of opposition from a metropolitan planning organization and the Federal Highway Administration requires the Commonwealth to reimburse the federal government for federal funds expended in connection with such a project an amount equal to the amount of such reimbursement shall be deducted by the Commonwealth Transportation Board from primary system highway construction funds allocated or allocable to the highway construction district in which the project was located. Furthermore, in the event of such nonconstruction, an amount equal to the total of all state funds expended on such projects shall be deducted by the Commonwealth Transportation Board from primary system highway construction funds allocated or allocable to the highway construction district in which the project was located.

Mr. Thomas noted that the funds would be deducted from the Culpeper District.

Mr. Snow explained that what this means is the \$47 million for the construction of a bypass would have to be paid back from money from our area.

Mr. Rooker said that this legislation, which was passed in 2004 to try to punish this area at the request of Senator Newman from Lynchburg, has been reviewed by a number of people who do not think it is enforceable because it is an effort to preempt federal law. He stated that metropolitan planning organizations are created by federal – not state law – and they have certain duties and obligations with respect to metropolitan planning organization areas. Mr. Rooker said this statute is likely not enforceable, and proving who was responsible for something not going forward is pretty difficult. He added that the State has decided for the last 11 years not to move on this road and now there is a sudden political change, and things have changed because of a political change – not because of any new facts that have arisen in this short period of time.

Mr. Rooker said there is a letter sent by Mr. Pierce Homer, who at the time was the Secretary of Transportation, to Mr. Butch Davies of the Commonwealth Transportation Board. Mr. Rooker explained that Mr. Homer’s letter indicates he had spoken with the FHWA and determined they could sell the right-of-way for the Bypass back and use that money for other projects in the corridor.

Mr. Snow said that everything Mr. Rooker is saying is hearsay and they have here a letter from the federal government that indicates the money would have to be paid back.

Mr. Rooker responded that the letter says that you have to make a request. This letter says that they would have to sell the right-of-way in 20 years; it does not say anything about paying the money back, if you do not start a construction project 20 years after you have condemned property.

Mr. Snow said the FHA letter says they would have to be “reimbursed” means to him they would have to be paid back.

After some discussion about whether this needs to be repaid, the Board agreed to move on in their discussion.

Mr. Dorrier noted that Board members had also received a copy of a letter addressed to Mr. Steven Williams, Executive Director of the Charlottesville-Albemarle MPO dated June 24, 2011, and a copy of an email from Secretary of Transportation, Sean Connaughton to Delegate David Toscano.

At this time the Chair opened the public hearing.

Ms. Ariel Billmeier addressed the Board, stating that she is a resident of the Scottsville District and saying that building the bypass would inflict irreparable harm on our community. Ms. Billmeier asked the Board not to sacrifice the health of our schools, our neighborhoods, our drinking water and our rural landscapes for an outdated highway project that will do very little, if anything, to solve our local traffic problems. She urged the Board to reconsider their decision in favor of better, more effective solutions that would bring real benefits to Charlottesville and Albemarle County and that would not waste hundreds of millions of taxpayer dollars.

Ms. Jessie Clark addressed the Board, stating that she is a resident of the Scottsville District and saying that she was shocked and disappointed to learn that the Board had revived the 29 Bypass project without any input from the public. Ms. Clark urged the Board not to give into outside pressure to build this outdated and destructive highway, especially knowing that smart and effective alternatives are available, all of which are far less expensive than this \$300 million project. She said that most of the 29 traffic is local traffic, so solutions must focus on fixing US 29 itself, with parallel roads such as Hillsdale and Berkmar being promising and effective solutions that cost much less than the bypass. She asked the Board to rely on the facts and urged them not to give in to the outside pressure to build this obsolete and destructive highway.

Ms. Carey Morton addressed the Board, stating that she has taught locally for over 10 years and noting that students, teachers and school staff spend years of their lives in the community schools. Ms. Morton said that the power all schools hold resides beyond the bricks and mortar of the classrooms, including the adjacent athletic fields, play areas and gathering spaces, which play a vital role in the ongoing nurturance and growth of all who participate in the art of education. She added that the construction of the Western Bypass would invade the green space of several area schools and would place a vast, loud, transportation thoroughfare up against fields where our future generations grow.

Ms. Morton said that the idea of children breathing toxic emissions while at play is unacceptable, and the possibility of them losing outdoor space entirely is dangerous to their health. She stated this project would cause irreversible damage to local places of learning and potentially harm young people.

Mr. Jeff Gleason addressed the Board, stating that he listened to several hours of public hearing comment on June 8th relating to outsider control of local decisions. Mr. Gleason said he found it more than a little ironic that the four Supervisors who seemed most concerned about this issue and voted to withdraw from ICLEI then turned around and voted to reverse the County's long-standing opposition to the Route 29 Bypass, a decision that was not dictated by the citizens of Albemarle County but by political interests in Lynchburg and Danville and Richmond.

Mr. Gleason stated that driving 29 North from Hollymead to Gainesville underscores that the interests and desires of citizens to the south cannot possibly be met by the construction of a Western Bypass. He said that Peter Way got it right when he represented the Scottsville District on this Board some years ago, as he saw that the bypass would not achieve the desires of the citizens to the south nor would it adequately address local interests. Mr. Way saw it as a tremendous waste of taxpayer dollars and he opposed it. It was a bad decision then. It is a worse decision now, and he hopes the Board will reconsider its decision of the last meeting and will reinstate the well thought-out and long-standing position to the 29 Bypass.

Mr. Tom Strassburg addressed the Board, stating that he lives in Earlysville and is a pro-business, fiscal conservative. He said that he has actively campaigned to elect fiscal conservatives to this Board of Supervisors. He stated that he is shocked at what is going on here. He said that he stood before a previous composition of this Board to complain about a couple of hundred thousand dollars of wasted money when Hollymead Fire Station was built. Now the County is about to spend a quarter of a billion of taxpayer dollars on something that will not work.

He said that 30 years ago, a bypass around the metropolitan area of Richmond was built, and 20 years ago a freeway through Charlottesville was proposed and approved but was wisely killed. Now, somehow, it is trying to come back.

Mr. Strassburg stated that if the Board is going to help the transportation corridor, then a true bypass should be built, not a local freeway. He asked the Board to return to their fiscally conservative roots and viewpoint and say this is an incredible waste of taxpayer money, and stop the Route 29 Bypass.

Ms. Lynda Mosen addressed the Board, stating that she currently lives in Charlottesville but lived in the Scottsville District for 30 years. Ms. Mosen said that the County schools have been hammered with budget issues and her friends who are teachers say they are stretched to the limit and that building the Western Bypass will be one more blow.

Mr. Mosen stated that compromised school safety, traffic noise and air pollution will accompany this project, but there will be even worse impacts on the entire system as the 29 Bypass takes a huge swath of the County's prime real estate off of the tax rolls. Ms. Mosen said that it is sure to degrade land values elsewhere also and the properties slated for condemnation should be put back on the tax rolls.

Ms. Martha Levering addressed the Board, stating that the League of Women Voters is concerned about the process during at the June 8, 2011 meeting which may result in a rushed decision to implement the 29 Bypass without adequate transparency and public participation.

Ms. Levering said that critical information necessary for an informed decision is still lacking and urged them to acquire and share better information than was evident at the late June 8, 2011 meeting. She emphasized that the public deserves to know the full details of the Secretary of Transportation's assurances, including the other projects that would be included and the source of the suddenly available funding, noting that Congress plans to cut federal transportation funding by nearly a third in the next six years.

Ms. Levering asked how the Secretary's assurances can be assured and asked if language had been included in the MPO's transportation plans to make his promises enforceable even after the current administration leaves office. She stated that the League feels that a decision can best be made by amending the Comprehensive Plan to incorporate the 29 Bypass instead of handling it as a separate and independent issue.

Mr. Bob Blair addressed the Board, stating that he owns a small business in Lynchburg and expressing his support for the bypass as it serves the common good of Charlottesville, Lynchburg and the Route 29 Corridor.

Mr. Blair said that unclogging this major transportation artery will serve the common good by encouraging economic development, and that means jobs. He stated it would also free up traffic flow and reduce air pollution from vehicles as well as gas consumption and wasted time. Mr. Blair said that Charlottesville has long held a "Commonwealth perspective" when it comes to the hearts and the minds and the livelihood of Virginia, and has also had a good reputation for cooperation among communities, including adding to rail transportation.

Ms. Katie Reid addressed the Board, stating that she is a lifelong resident of the area, and she urged the Board to think about whether this is the best use of the staggering amount of money that is involved involved, or whether it actually solves the transportation problems they say it addresses.

Mr. Don Wagner addressed the Board, stating that he has been involved and interested in this debate for 20 years and has been recounting the process 20 years ago by which the bypass was voted down.

Mr. Wagner explained that the Board held a regular monthly day meeting on December 11, 1991 and took a brief recess at 10:18 then returned at 10:30 to take up "Agenda Item 7B – Highway Matters – City/County/University Resolution on Road Improvements." He said that the resolution set forth a sequence of transportation improvements and specified that construction of a bypass should be considered only after completion of the Meadowcreek Parkway, widening of 29 North, construction of grade-separated interchanges on Rio Road, Greenbrier Drive, and Hydraulic Road plus a number of lesser projects.

Mr. Wagner said that the resolution to remove construction of the Route 29 Bypass was passed unanimously without meaningful discussion and he has searched County records but has found no hint of any advanced notice that it would be discussed and voted on. He stated that it had apparently been discussed in advance, behind closed doors, and he is glad the Board is finally listening to the public. Mr. Wagner added that he supports the bypass.

Mr. John Grisham addressed the Board, stating that for the past 17 years he has lived halfway between North Garden and Coveseville. He said that apparently, not all wasteful spending is limited to Washington D.C. Congress has shown an insatiable appetite for pork, earmarks, and bad projects, projects that do not work, projects that are cut because of political deals, projects that we cannot afford so we have to go borrow the money. In other words, projects like the 29 Bypass. This bypass has been killed numerous times for a lot of good reasons. He said that he does not know how the Board is able to explain its remarkable comeback today.

He said that he suspects a deal has been made, with influence from powerful people in Richmond and some folks down South.

He said it is clear this project is desperately wanted by the good folks in Danville and Lynchburg; but he is not sure how those folks have gained such a strong voice in Albemarle County Government. They certainly have their own bypasses that cut through the countryside, are generally deserted, and they do not plow through subdivisions, or take land from public schools, or drive down property prices. Those bypasses do not cost \$40 million dollars a mile to construct. In short, they bypass the Cities. This one does not. Just because the government is big enough does not mean it should take private property. Just because the government is big enough does not mean it should ram through bad projects. Nor should it wastefully spend \$300 million dollars in borrowed funds. If Albemarle County does not start saying no to some of these developers and speculators and politicians with pet projects, in ten years, we are not going to recognize the County.

Mr. Tony Vanderwarker addressed the Board, stating that he lives in Keswick is Chairman of the Piedmont Environmental Council. Mr. Vanderwarker said that at the same time this bypass was proposed another one was proposed up north to relieve congestion on Route 50 at the chokepoint of its intersection with Route 15 at Gilbert's Corner. He explained that VDOT came up with the idea for a bypass but upon further examination citizens found it cut through historic farms, so PEC hired an engineer who came up with a traffic solution, which was three roundabouts at Gilbert's Corner that have made the traffic a breeze now, at a cost of \$35 million. He stated that parallel roads should be built first, which would relieve traffic on Route 29. Mr. Vanderwarker encouraged the Board to step up in improving their parallel roads and asked them to not squander money.

Mr. Al Highsmith addressed the Board, stating that he was not certain about whether or not he supported a bypass but attended a meeting where a speaker from the Southern Environmental Law Center was the only speaker, and that speaker's comments actually convinced him that a bypass should be built. Albemarle County and Virginia need it, and it shouldn't be put off for another 20 years.

Ms. Marie Hawthorne addressed the Board, stating that she has lived in the county for more than 20 years and stating that one important earmark of a thriving, cutting edge community is that they make wise spending and growth decisions that play on their own particular strengths. She said the strengths of Charlottesville Albemarle are its incredible, beautiful countryside; for its authenticity and cohesive sense of community; for its rich educational heritage. She said that the proposed 29 Bypass threatens to undermine all of these, and at a quarter billion dollar price tag at a price of economic hardship.

Ms. Hawthorne stated that the community deserves better than this. She emphasized that there are simpler, cheaper, less damaging alternatives that solve our community's traffic congestion problems and asked the Board to reconsider the 29 Bypass project.

Ms. Gretchen Gehrett addressed the Board, stating that she is here to ask them to vote against the Route 29 Bypass and noting that the chambers of commerce of communities south of Albemarle have come out in strong support of the 29 Bypass. They have done it because they have nothing to lose. It is not their beautiful County that will be irreparably damaged. It is not their drinking water in the South Fork of the Rivanna Reservoir that will be polluted. It is not their air around their schools that will be filled with noxious fumes. It is not their other traffic priorities that will be put aside for the foreseeable future. That is what we as Albemarle County residents will have to put up with. That is the damage that we will incur. They will get the benefit. We will get the damage. Ms. Gehrett implored the Board to vote against the bypass and said that improving the local roads and revamping the intersections will enable the County to achieve what it needs to without the damaging side effects.

Mr. David Carr addressed the Board, stating that he has lived in the Samuel Miller since 1991, and that he grew up on a farm on Garth Road that has been in his family since the 1850's. He and his wife settled back here in 1986. Mr. Carr said that since that time they have been opposed to running a four-lane road through the western part of the County, adding that he attended a hearing in the 1990s where hundreds of people came out in opposition to the 29 Bypass, far outnumbering its supporters.

Mr. Carr said that he believes that we all value the scenic and historic character of Albemarle. VDOT's proposed four-lane highway would unnecessarily mar that character. Mr. Carr said that several of the project's elements are way out of scale and no doubt extremely expensive, adding that it might be different if the proposed road would actually address traffic needs, but VDOT's own studies have shown it will not improve the level of traffic service on Route 29 and will not even address Lynchburg and Danville's desire for an interstate because of the existing development north of its terminus and the future northern growth the road will facilitate.

Mr. Carr said that citizens and the County have worked hard to identify improvements like parallel streets that would help the traffic flow on 29 North and the County should stick to these plans and not let the State ram this ineffective, destructive road down our throats. The County and its citizens have stood up to the State in the past, and avoided poorly conceived projects, such as four laning Route 250 West from Bellaire to Crozet. Once again, the Board has the opportunity and the responsibility to stand up for Albemarle. He and his family ask that the Board not bow to the State and downstate interest.

Mr. Greg Quinn addressed the Board, stating that he supports the Route 29 Bypass and would like to see it come a little closer to his house in Piney Mountain so he can miss a few stoplights.

When he attended Lane High School, there was a Route 250 Bypass being built, and he feels this project is similar to that. He said that at this time, Route 29 North is Main Street. He said that it is a very dangerous place, and he sees a lot of accidents on Route 29, and he also sits in traffic for long periods of time.

Mr. Quinn stated that if there were an emergency in Washington D.C. and people were trying to flee (hopefully that will not happen), there is no infrastructure to get trucks around Charlottesville. Charlottesville is a choke-point. He said that this area needs the Route 29 Bypass badly.

Mr. Quinn shared that he a stone mason, and he goes to Luck Stone Quarry, picks up a load of stone, and then heads to Afton, or Staunton, or Charlottesville, or wherever he happens to be working,

and is forced to sit in traffic with his diesel truck running, which causes him to spend \$120 per week or more on fuel.

Mr. Quinn emphasized that we need Route 29 Bypass for jobs, for savings of fuel and for safety and security of our citizens. He said that unfortunately when people have babies, growth occurs, and they drive cars, and they have to have a way to get back and forth. He thanked the Board, and asked that they vote for this bypass, because it makes common sense.

Ms. Megan Ross addressed the Board, stating that she moved to Charlottesville in 2008 from Springfield, Virginia. She said the Board may know of Springfield because it is famous for the mixing bowl, which is a giant spaghetti interchange of highways. She said that her childhood home was once in a beautiful neighborhood, but now has a big concrete wall in its front yard to minimize noise from four lanes of high speed traffic on the other side.

Ms. Ross said that she moved here because Charlottesville/Albemarle still has the high quality of life that is now gone from her hometown. She stated that while she does not want to sit in traffic, it is not necessary to build this road when there are less costly, more efficient alternatives.

Ms. Ross stated that the bypass will create an incentive for sprawl, worsen air and water pollution, and diminish the quality of life that attracts people here in the first place. The bypass is just the beginning. She asked the Board to please take the high road by rejecting the Route 29 Bypass.

Ms. Sarah Francisco addressed the Board, stating that in this time of great financial pressure it seems implausible that the Board would agree to throw money at a \$250 million project that this community first rejected over 20 years ago. She also said that if money is available for transportation in this area, the community should not be pressured to spend it on a bypass that is already obsolete and would yield little benefit, especially for the people in this area, who should be the primary concern of this Board.

Ms. Francisco said that studies have shown most of the traffic on 29 is local traffic and this bypass would not reduce it enough to actually reduce congestion. She stated, that we can and we should deploy our limited financial resources more wisely and more effectively by investing improvements in 29 and parallel roads, which studies have shown would actually relieve congestion on 29. She urged the Board not to support the Route 29 Bypass.

Mr. Bill Sublette addressed the Board, stating that he has lived in Western Albemarle for over 35 years and drives into Charlottesville every day on Route 250. He said that the existing Route 250 Bypass entrance has always been a messy little interchange and it is teetering right on the edge of capacity. He said that in the morning, it can be scary as you merge onto the Bypass, and others are exiting onto Leonard Sandridge Road. He said that for residents in the Western part of the County, the Route 29 Bypass has always been a distraction, and now, it has come back out of the blue.

Now, residents are once again paying attention to it, looking at the models and the Charlottesville Tomorrow images, see that there is a tangle of off ramps and on ramps, things going in all directions, and it looks like a disaster. Mr. Sublette stated that he is hoping the Board will not take any action on this until the impacts of the people coming in on Route 250 West would be.

Mr. George Larie addressed the Board, saying he represents CATCO, or the Charlottesville/Albemarle Transportation Coalition. He said that the midnight coup of the Board of Supervisors on the Western Bypass is a prime example of bad government, decision making done in secrecy and without a public hearing.

Mr. Larie said the Secretary of Transportation has agreed for the state to fund the bypass in its present design if the MPO will remove the restrictions in the TIP on funding the construction. The question is, is this better for our community to do this rather than the improvements already improved in the Places 29 plan?

Mr. Larie stated that the already approved projects in the Places 29 plan, Hillsdale Drive, the Meadowcreek Parkway, and Berkmar Drive Extended, which will take more traffic off of Route 29 and cost much less than a \$250 million bypass. He said the bypass has major disadvantages, and at six miles is too short to be effective. Lynchburg and Danville's bypasses are at least three times longer.

Mr. Larie noted that the proposed bypass dumps out on Route 29 South at Forest Lakes South to heavy northern development and congestion, and puts heavy trucks through many neighborhoods and takes 40 homes in the process, it impacts 4,000 students in six schools, impacts the water supply, and is shown by VDOT studies not to improve the level of service on Route 29 beyond the "F" level.

Mr. Larie emphasized that the Board rejected this road for over 15 years and it has been omitted from two previous studies of the 29 Corridor, and has been condemned by Taxpayers for Common Sense four times as one of the most wasteful projects in the nation.

Mr. Larie said that clearly it is not a good project for our area. Some say we should build this road now and add to it later on. The problem with this is the bypass is in the wrong place and add-ons will not

change it. A bad first decision continues to be a bad decision. He commented that lipstick on the pig makes it still a pig. He asked the Board to please reconsider their decision on the Route 29 Bypass, and to fund Places29.

Ms. Diane Weber addressed the Board, thanking Board members for resurrecting the issue of the Western 29 Bypass issue. Ms. Weber emphasized that we share this artery, the only north-south corridor in Virginia between I-95 and I-81, with other cities and towns, all of which that have built bypasses for the convenience and safety of others.

She said that Route 29 is used by travelers, by business that transport goods through the State, and by local residents who commute across the County on a daily basis. Ms. Weber stated that the number of people who will benefit from a bypass than the number of bypass opponents, and by refusing to cooperate with our neighboring communities we have forced cars, bikers, tractor-trailers and pedestrians to share a hazardous business route.

Ms. Weber stated that by rejecting the bypass, the County has hurt local businesses, stating that people avoid shopping on Route 29 because of the difficulty navigating three lanes of heavy traffic and constant lane changing. Ms. Weber also said that countless accidents and deaths have been caused by the stress and confusion of navigating the impossible Route 29.

Ms. Weber also said that stops and starts along Route 29 cause thousands of vehicles to waste costly fuel and produce volumes of unnecessary emissions, whereas a bypass would allow vehicles to move at steady, more fuel efficient speeds. She asked the Supervisors to do what is right, safe and economical for those living here and passing through. She said that the phrase to remember is "The greatest good for the greatest number."

Ms. Colleen Arthur addressed the Board, stating that she is opposed to the Route 29 Western Bypass. She said that this project brings no real benefit to the County but carries a huge cost. Building the bypass will put a permanent mark on the landscape and character of our community.

Ms. Arthur stated that she is a recent graduate of UVA and chose to remain here because of the quality of life the area offers, and she expects the Board as representatives of the County to put this community above any outside pressures. She urged the Board to reject the Route 29 Western Bypass.

Mr. Denny King addressed the Board, stating that he has been a resident of the area for 20 years and saying that after talking to hundreds of constituents it is clear that this project has so very little to do with the roadway. Mr. King said, it is all about political maneuvering from Richmond, Lynchburg, Danville, and even right here on this Board, in this room. This project represents the largest condemnation of private and public property that has ever taken place in this great County.

He stated that the County will lose over \$1/2 million annually in tax revenue, and he asked the Board if this is what they want during these horrific economic times. Mr. King said it is an erroneous and false notion that the construction of this roadway we all know will far exceed \$250 or \$300 million, as projects never come in on budget ever in this County.

He stated that this is simply taxpayer money that is ill-spent and provides very little or no return to the citizens of our County, adding that the school property will be affected by pollution, noise, potential hazardous material accidents, loss of athletic fields and play areas, in addition to potential health risks for 4,000 young students.

Mr. King also expressed concern that there is no written documentation that guarantees this will be paid for, adding that Mark Warner voted against it in 1990 due to the plan being obsolete at that time. Mr. King asked the Board if they do not feel it is obsolete now, 21 years later.

Mr. Timothy Hulbert addressed the Board, stating that he works for the Charlottesville-Albemarle Chamber of Commerce, which has been here since 1913. He has lived here for a decade. The Chamber represents 1,000 member enterprises with 80% of those employing 10 or less people. He said that the businesses are the heart and soul of economic vitality and activity in this community.

Mr. Hulbert said the Chamber has supported construction of a limited-access Route 29 Western Bypass for more than two decades and continues to support it to increase public safety and remove thousands of through and commuter traffic vehicles from the community's main commercial boulevard.

He said that the chamber applauds the Supervisors decision to move forward with this important project. He asked that the Board build the road now.

Mr. Rex Hammond addressed the Board, stating that he is President and CEO of the Lynchburg Regional Chamber of Commerce and said that he is here to represent his region, communities along the corridor, and individuals who desire an efficient and safe US 29.

Mr. Hammond said that advocates for the US 29 Bypass may be in the minority in the room tonight but along the corridor there is overwhelming support to build the bypass. He emphasized that in

communities to the south of Albemarle, such as Altavista, Amherst, Danville, and Lynchburg, US 29 is our economic lifeline, our interstate highway, and an important part of our economic past and an essential component of our future.

Mr. Hammond said that his community spent many, many years of highway appropriations to build their bypasses and make US 29 a more efficient way to get from North Carolina to Washington, D.C. He added, that they applaud their vision and the courage it took in support of this bypass. He said that while they are outnumbered in the room tonight there is no doubt in his mind that they represent a silent majority of people in Charlottesville, Albemarle, and along the US 29 corridor that want this bypass to be built. An old Chinese proverb says that the best time to plant a tree was twenty years ago, and the second best time is today. He asked the Board to please build the Bypass.

Mr. Albert Kohn addressed the Board, and said that a game of political football is taking place tonight. He said in plain English, Will Rogers once said if you want to double your money, fold a dollar bill and put it in your pocket. He said that he is a taxi driver who has traveled to Lynchburg, and he knows every road in the County and the City. He said that he knows we have a road to nowhere that is closed right now, and it is called the Meadow Creek Parkway.

Mr. Kohn stated that he is not from Virginia, but he has lived here for 24 years and he feels that this road needs to be built. He said that the future is now, and the reason he brought up Will Rogers is because the County had a good opportunity to save a lot of money, because if this project is built in twenty years, it will cost double or more to build it.

Mr. Kohn reiterated that he drives on County roads every day of his life, and he knows to avoid Route 29. He also said that Earlysville Road goes over the reservoir, and nobody ever complains about that road. He also knows every school on Route 250. He knows that Albemarle High School is directly in front of Hydraulic Road, but nobody cares about that.

Mr. Kohn said that someone is now offering to build a road in Albemarle County, and it is not a taxpayer's dilemma. This road must be built for the future of Albemarle County and the City of Charlottesville. He said the issue cannot be debated for the next 25 years unless the community wants to wait for an ecological problem to arise.

Mr. Kohn asked the Board if they had ever been to a Nascar Race, and if they have seen the cars going around the track, and the spectators breathing in the fumes. Because that is what will happen to Route 29 if the Route 29 Bypass is not built now. The opportunity is there, so it should be built.

Mr. Kirk Bowers addressed the Board, stating that he is angry, and that is why he is here. The vote by four Board members on June 8 was disrespectful toward constituents and contemptuous of thoughtful process and public policy decision making. Mr. Bowers said that the decision to revive the Route 29 Western Bypass showed extremely poor judgment, and as a professional engineer he believes a level of service of F is not acceptable.

Mr. Bowers stated that the combination of procedural maneuvers coupled with a personal call from a state cabinet member shows a picture of backroom manipulation and a conspiracy against the very constituents that the Board was elected to serve. Mr. Bowers said the Board did not listen to anybody in their constituencies, and the end-run around the public amounts to an act of contempt and disrespect to the citizens of Albemarle County. He added that the Board Members are elected to serve the citizens of Albemarle County, not the people of Danville or Lynchburg.

Mr. Bowers also said he was raised in Roanoke County and knows that area well. He feels that it is going to take a whole lot more than a bypass to solve their problems. He added that it does not make much sense to think that saving 10 minutes in traffic by building a bypass will resolve the problems of Danville and Lynchburg, and this is political pandering at its worst.

Mr. Bowers said that the project will bring decline of property values, extreme noise pollution, environmental degradation and the wholesale destruction of our community's neighborhoods will add to the deterioration of our quality of life. Simply put, he said the citizens of Albemarle County do not want it. He also suggested that Mr. Snow and Mr. Thomas be removed as MPO representatives and be replaced with Mr. Boyd and Mr. Rooker.

NonAgenda. At 8:07 p.m., Ms. Mallek called for a five minute recess.

The meeting was called back to order at 8:17 p.m.

Mr. Milton Moore addressed the Board, stating that a flyer published by Mr. Thomas and Mr. Snow last month is entitled "The Truth is Difficult to Determine Without Facts," and this is true. However, the public does not know all the facts regarding meetings Mr. Thomas and his colleagues have had with VDOT, the Secretary of Transportation, and others.

Mr. Moore said that assured of funding and controlling the votes on this Board and the MPO, these two Board Members revived the Route 29 Western Bypass. Mr. Moore stated the flyer also claims there was no intention or desire to eliminate public input, but that is nonsense and the suspension of rules

late on the night of June 8 was contrived to avoid public input. He said that the VDOT Secretary apparently called Mr. Dorrier that afternoon and persuaded him to change his vote, yet the flyer claims this is not a political decision. Mr. Moore said that all Government decisions at all levels are political, and while the Board claims the decisions are not based on the desire of Lynchburg and Danville, he does not believe that.

Mr. Moore stated that a few of the facts in the flyer cannot be substantiated, including the claim it will reduce pollution, as two national organizations, Taxpayers for Common Sense and Friends of the Earth, selected this bypass four times as one of the worst projects in the nation for wasting taxpayer money and damaging the environment. He also said that the flyer claims the bypass will eliminate traffic backups, but even if the road is built Route 29 will remain at a failing level of service without scheduled improvements.

Mr. Moore said he believes this bypass, although it is not a real bypass, will cost over \$300 million. It has already cost 30 pieces of silver to buy a change of vote on the afternoon of June 8.

Ms. Edie Swann addressed the Board, stating that she is a Lynchburg resident and mother of a college student who travels the roads in question and said that she is the Advocacy Manager with the Lynchburg Regional Chamber of Commerce.

Ms. Swann stated that their chamber is among many, many others that articulate the importance of US 29, adding that we all have a common interest in maintaining and improving the safety and efficiency of US 29. She said this is essential for all travelers along this vital national highway, and the Board has the power to break this impasse.

Mr. Scott Bandy addressed the Board, stating that he is a City Council candidate and is in favor of the Route 29 Western Bypass, adding that for too long sound attention to the region's road system has received either too much vehement brush off or outright aversion from opponents.

Mr. Bandy stated that City Council, in deliberation at a previous meeting, did not see fit to thoroughly realize the ramification that the interchange next to the Best Buy might have, and without the bypass the potential to encourage a project comparable to the I-495 mixing bowl would not be farfetched.

Mr. Bandy stated that he hopes the Board will see this through down to the details, just in the way they did with the Meadow Creek Parkway.

Mr. George Tisdelle addressed the Board, stating that he strongly opposes the bypass as it would negatively impact six schools and would go through nine established neighborhoods. Mr. Tisdelle emphasized that VDOT studies show it would not improve the level of service on Route 29 and also show that only 12 percent of the traffic on Route 29 would be through traffic. He said it does not make sense to spend a quarter million dollars to build this road, urging them to build roads that the community needs and supports. He asked the Board to stand up for Albemarle County and reject the route 29 Western Bypass.

Mr. Carter Myers addressed the Board, stating that before the 250 Bypass was built it felt like a day trip to go from the east side of town to Farmington. Mr. Myers said that it took three separate construction projects and over 20 years to get the money and the three legs built for the 250 Bypass. He explained that the City Manager at the time, Jim Bowen, instructed that the bypass be built as the current process for making those decisions was not yet in place. Mr. Myers stated that at the time of Bowen's decision it was called "Bowen's folly," and it was built as a way to get east traffic through town just as the bypass will be for north-south traffic.

Mr. Myers said that a few years from now no one will ever question the decision made on this issue. He added that the 250 Bypass made Downtown Charlottesville more livable and allowed the Downtown Mall to become a viable commercial district, and many existing subdivisions need 29 North for access.

Mr. Myers said this is our largest commercial district, a major tax generator and a major employer, and without a Route 29 Bypass the County could choke or destroy the quality of life and the vitality of the commercial sector and tax base. He said that he hears people all the time say they avoid Route 29 at all costs, and it will be even worse 10 years from now, adding that he got a call when he was on the Transportation Board from Jim Bowen saying "Carter, you guys are doing the right thing. Build the road."

Ms. Carole Thorpe addressed the Board, stating that the comments she makes this evening are her own and not in representation of any group. Ms. Thorpe said that she does not hear any voices tonight saying take the free money, adding that those who express concern about the infiltration of outside interests of Danville and Lynchburg seemed to have no concern about the outside influence of ICLEI and the U.N. agenda.

Mr. Donald Short addressed the Board, stating that he has been in the area for 34 years, with 33 years spent with the UVA Police Department and 22 years before that on the Nassau County Police Department. Mr. Short said that as an officer he often had to wait in traffic even with sirens on, adding

that all of the northern developments would be served by this proposed bypass as would the hospitals. He stated that there needs to be ways for people to get from the airport to other interstates, and urged the Board to get the bypass built.

Mr. Pat Ferguson addressed the Board, stating that he is a Lynchburg resident and an Albemarle County property owner. Mr. Ferguson said he owns a residential lot on the Rivanna Reservoir that will be affected by the proposed bypass, adding that he supports construction of the bypass even though he will have to access his lot from a different point. He stated that anyone traveling through Lynchburg or Culpeper would have said they need a bypass, and one around Charlottesville is also necessary and long overdue.

Mr. Chuck Rotgin addressed the Board and stated that the companies under the Great Eastern Management umbrella offer their strong support of the Route 29 Western Bypass. Mr. Rotgin, who said he has lived in the area for 45 years, stated that the Route 29 Western Bypass is critical in maintaining the integrity of the Places 29 plan the Board recently adopted. He noted that VDOT wants to move the traffic through the Places 29 corridor at 55 mph, but Places 29 wants to slow it down to 25-35 miles per hour, and with completion of the bypass, the high-speed traffic will be removed so Route 29 will truly become the main pedestrian and commercial boulevard as envisioned by the Places 29 plan.

Mr. Rotgin added that a recent Chamber of Commerce study shows the corridor is home to over 20,000 jobs with an annual payroll of more than \$800 million and over 40% of locally generated tax revenues. He said that VDOT has indicated the bypass would only cost \$192 million, and given recent successful bids for Meadowcreek and McIntire improvements the cost could actually be 20% less. Mr. Rotgin also stated that the right of way for the pipeline for the expanded Ragged Mountain Dam to the South Fork Reservoir has not yet been secured, and the Western Bypass right of way seems to offer this opportunity.

Mr. Drew Moore addressed the Board, stating that he has lived in the area for five years and opposes the bypass. He said that while some Supervisors have argued that the proposed road is a sustainable project that will eliminate traffic back-ups, reduce pollution, serve local traffic needs and increase the quality of life for residents of the area, but he feels it is disingenuous to frame this project as a boon to our community when the bypass will not serve Albemarle and Charlottesville's interests.

Mr. Moore stated that the road will instead saddle the community with the social, environmental and economic consequences of a project that will do little if anything to alleviate what is fundamentally a local traffic problem, and will likely encourage sprawl that will increase traffic back-ups and pollutions in the long run. He said it will take dozens of homes, impact thousands of students at six schools, endanger the drinking water and throw away an estimated \$500,000 per year in tax revenue that could be put towards earnest investments in the community. He would like to see the elected officials disdain backroom deals driven by downstate political interests, take an honest stand for the betterment of this community and invest limited public resources in transportation projects that best serve the County's needs.

Mr. Henry Weinschenk addressed the Board, stating that he is a 31-year resident of the Ivy Farms subdivision in Albemarle County and noting that the State has been trying to build the Western Bypass since the 1980s, but it has been opposed by a small but very vocal group of people opposed to any expansion of infrastructure. He said it is just a dogma with that group to impede any progress of any kind.

Mr. Weinschenk asked if the downtown area would be a vibrant destination or if the University corner would be a lively place without the 250 Bypass, adding that the Western Bypass would make it possible to advance US 29 to be a more vibrant and leisurely destination, without having to deal with the out of town trucks and other impatient traffic straining to get through Charlottesville.

He added that it will also improve commuting to UVA from the north and urged the Board to build the bypass now. He said that it is the environmentally right thing to do since it will increase fuel efficiency. It is the progressive thing to do since it will add to the quality of life. Mr. Weinschenk asked for audience members in favor of the bypass to stand.

Mr. George Gercke addressed the Board, stating that he is a resident of Squirrel Ridge subdivision which has been in the crosshairs of the Western Bypass for 20 years. He said when it came up at that time, residents were presented with eight or nine alternatives and there was widespread public discussion.

Mr. Gercke stated that he was surprised that they picked one of the shortest ones, and acknowledged the State's right to exercise eminent domain but said it was a short-sighted decision in the 1990's that is even more short-sighted now.

He said that the State has a duty to its citizens to use resources wisely so the common wealth is not misspent on poorly conceived bypasses, adding that there is room for improvements through side roads, parallel roadways, longer bypasses and most importantly community involvement in the discussion.

Mr. Gercke stated that to bring it up without any new discussion, given the new growth in the County, is a dereliction of duty.

Mr. John Gobble addressed the Board, stating that he lives in Crozet and noting that Virginia was recently named the top state in the nation for doing business. He said that if the County does not move forward with this bypass then people in other regions will not view it as one of the top places in the State in which to do business, adding that he is convinced from an economic development perspective the bypass will encourage businesses to grow and locate here.

Mr. Chris Kopp addressed the Board, stating that he is an Earlysville resident, adding that the intersection at Route 29 and 250 has become worse and worse since he bought his home in 2003. Mr. Kopp said that the people of Earlysville have a hard time getting to UVA, and improvements are needed here. He said no one has come up with a better plan for a bypass as of yet. He stated that he has only heard that one Supervisor has a personal financial interest in stopping it, and is not sure why Ms. Mallek is opposed to it other than the fact she is opposed to all progress.

Ms. Emerald Young addressed the Board, stating that she lives in the Scottsville District. Ms. Young said that in researching support for the bypass, she uncovered that the Governor is in favor of it, Lynchburg State Senator Steve Newman, and the CTB's Culpeper Representative Mark Peake are all in favor of the bypass. She said that their support for the bypass is puzzling, as their largest employers are Centra Health, with 5,700 employees; Thomas Road Baptist Church and Liberty University have 3,321 employees; Babcock & Wilcox has 2,500; and Arriva has 2,000, with the latter two being nuclear fuel facilities.

Ms. Young stated that the Chamber of Commerce in Lynchburg is in favor of the bypass, and their current chair is Director of Operations for Arriva. She said that she would like the Board to review the risks. Ms. Young also noted that Babcock & Wilcox was awarded a \$1 billion contract from the Department of Defense in 2009, and if this is to facilitate transport of their goods she would like the Board to reduce the risks inherent to nuclear energy at all phases.

Ms. Nan Massie addressed the Board, stating that she is a resident of Squirrel Ridge and is strongly in favor of finding a solution to the congested on Route 29, but there has to be a better way than the Route 29 Western Bypass as it is currently proposed. For this plan, she is vehemently opposed. Not because it goes through our bucolic neighborhood, not because it destroys her home, but because it is a bad idea.

Ms. Massie said it was extremely short-sighted when she saw a map of it when she moved into her new home in 1980. Now it is blind, no longer just short-sighted. Blind to the reality of solving a traffic situation which has been allowed to worsen as each new development and commercial venture is approved on Route 29. She stated that it is blind to think that by eliminating half of the stoplights a trucker has to endure will really make him happy in the long run.

Ms. Massie said that by the time this is built the number of stoplights would probably be increased greatly and we will be right back where we started. She stated that it is blind to the possibility of the road affecting the reservoir, as their neighborhood was required to have State maintained road because of the runoff potential.

Ms. Massie said that in the 1990s, her neighborhood decided that for the good of the community they would ask that all of the neighborhood be allocated to the state for an interchange, but that did not happen because the local community did not want it. She emphasized that when there is State money available, it is her money and other citizen's money going into this very blind decision. Ms. Massie likened it to buying an antique, saying that it is obsolete and it is no good.

Mr. Charles Battig addressed the Board, stating that he has lived here for 12 years so he has done some research on the history of the bypass project. Mr. Battig said that in studying 27 possible road locations in the City and the County, one was decided on, and there was a VDOT hearing on June 28, 1990 with several selections that again wound up with the current one.

Mr. Battig stated that far west had problems with the watershed, and the east had various prohibitive issues. Mr. Battig encouraged the Board to visit the "Roads to the Future" website, which goes into more detail. He stated that St. Anne's Belfield is the school closest to the bypass. Mr. Battig said that the Sierra Club sued in the 1990s over environmental issues, and a federal judge found eight of the nine to be not supportable. He encouraged the Board to go forward with the 29 Bypass.

Mr. David Mitchell addressed the Board, stating that he lives on Georgetown Road and saying that he lives on a bypass now, which is Georgetown, Hydraulic, Berkmar, and Commonwealth, and you cannot turn left between 7:30 and 9:00 a.m. because of busses, so he avoids it at certain times of day.

Mr. Mitchell said there is no way that traffic won't be alleviated, and that same traffic goes by all the schools being discussed as well as going through all these neighborhoods. He said that now, the traffic will go faster, not impact as many citizens, not be as dangerous, and get it out of certain

neighborhoods and out of the lives of citizens, at least for a while. Mr. Mitchell encouraged the Board to move forward with the Route 29 Western Bypass and to vote for it on the MPO.

Mr. Bill Stokes addressed the Board, stating that he lives at Squirrel Ridge and owns a lot at Rosslyn Ridge, and is in favor of the bypass. Mr. Stokes said that the property values have already been impacted by the proposed bypass and building it is not going to make a difference.

Ms. Shirley Midyette addressed the Board, stating that in 2004 Charlottesville was rated the number one place in the Country to live, not Lynchburg and not Danville. Ms. Midyette said that the rating was upheld when the community had the good sense to reject the proposed bypass with its failing "F" grade. She said that we all know an "F" grade is unacceptable and when a community is changed, and when over a quarter billion dollars in taxpayers' money is being used for a project, it should at least make a change that has a positive rating. She stated that this "bypass" is surely going to impact the quality of life here. She said that Albemarle is an intelligent, progressive community, and the community expects change to be forward not backward.

Ms. Midyette asked the Board to stop playing politics and start working for the good of our community. She asked for those opposed to the bypass to stand.

Ms. Cheri Kennedy Early addressed the Board, stating that she is definitely against this road because it is not a bypass and does not serve Charlottesville very well. Ms. Early said she lives in Ivy and knows how to get on 29 above Hollymead and Forest Lakes, and this road is going to dump people out below them, which will create a huge bottleneck.

Ms. Kennedy emphasized that this bypass does not help anyone, Lynchburg and Danville included, as it is a short road that will not help them move their goods. She urged the Board to build a bypass that is truly a bypass. Ms. Early suggested starting it at Route 29 below the business area, picking up traffic on Route 20, going to 250 and I-64, Route 15 and then Route 33, and then over to I-81.

Mr. Frank Patterson addressed the Board, stating that he lives in the Floridian subdivision in Mr. Rooker's district. Mr. Patterson stated that he is in favor of the bypass and has lived in his home for 46 years, adding that he has seen a lot of changes and supports a lot of them. He said that Route 250 commits every sin mentioned tonight, including slashing through residential neighborhoods, bisecting a city park, going past four or five schools, going past a children's wading pool, and it is the indispensable road.

Mr. Patterson said that every person here who is against the bypass will find it to also be an indispensable road and will bless the Supervisors who vote in favor of it. He added that the bypass has the same issues of opposition as many other major items, including the Declaration of Independence.

Mr. Larry Brower addressed the Board, stating that he is a 12 year resident of the area and business owner residing in Mr. Thomas's district. Mr. Brower said that he would like to ask a simple question: "What are we doing here?" He stated that he tried to educate himself on this issue and has found that only 10% of the traffic on Route 29 is through traffic, leaving about 90% of the traffic load unaffected after the bypass is built.

Mr. Brower noted that Taxpayers for Common Sense ranks the Route 29 Western Bypass as one of the most wasteful highway projects in the U.S., and at \$40-\$50 million per mile it is easy to see why. He said that the northern terminus of this bypass is well south of the Hollymead growth area, and even VDOT says that U.S. 29 would still be a grade "F" roadway after the bypass is built.

Mr. Brower added that the bypass would come so close to the Albemarle, Jouett, and Greer schools campus that 15 acres of land would be lost. He said there are a few things he does not understand. He does not know what prompted the offer from the Secretary of Transportation to this Board of Supervisors, or why the Board voted on the issue at midnight.

Mr. Brower stated that Mr. Rooker's comment on TV sums it up best: "If we're going to suspend our rules for an issue like this, what do we have rules for?" He reiterated his original question, "What are we doing here?" and stated that this plan is an even worse idea now than it was 20 years ago.

Mr. Robert Humphris addressed the Board, stating that four Supervisors on June 8 made their infamous stealth vote to change a 20-year policy of no Western Bypass. He said the reasoning of the Supervisors was sparse with generalities and platitudes, no hard facts or studies or reports or traffic analyses or cost analyses or presentations to back up their thinking. He said the Board had been promised with no written document a total funding of \$250-\$260 million for construction of the proposed Western Bypass, widening of Route 29 North of the Rivanna River, and the Berkmar Extended bridge.

Mr. Humphris believes that behind this whole story is the appearance of most probably a payback time for all of the funds contributed to each of their election campaigns. He stated that names are not reported for contributions of \$100 or less, but for gifts exceeding that amount they each received funds from PACs, developers and growth interests amounting to \$46,300 or 93% of this total for Mr. Boyd;

\$26,050 or 80% for Mr. Dorrier; \$45,500 or 85% for Mr. Snow; and \$43,800 or 70% of the total for Mr. Thomas.

Mr. Humphris stated that this gives much credence to the phrase being in the developer's back pocket, adding that the main interest of these contributors is driven by the almighty dollar, and this motivation is certainly not compatible with the best interest of Albemarle County. He encouraged citizens to wake up and reestablish their government.

Ms. Vera Mason addressed the Board, stating that she has lived here for 44 years and has seen Charlottesville and parts of Albemarle County transformed from quiet rural areas into busy urban areas without any accompanying roads built to accommodate the growth. Ms. Mason said the only road she has seen built is half of the Meadow Creek Parkway, and she is in favor of the Western Bypass, which she feels is long overdue.

Ms. Connie Stevens addressed the Board, stating that she deals with Route 29 on a daily basis and sees a lot of truck traffic. She stated that she supports the bypass, growth and prosperity. The community needs the infrastructure. The community needs the water. The community needs this bypass. It is 20 years too late. We need it today and we will enjoy it in the years to come.

Mr. Nicholas Kuhn addressed the Board, stating that he has lived in the County for more than two decades and wants to express his extreme disapproval for support of the Western Bypass. Mr. Kuhn said there are so many reasons why the Bypass is a bad idea, noting its negative effect on the environment as a major highway will be placed right on top of the main source of the community's fragile water supply.

Mr. Kuhn said that outdoor play areas of two elementary schools will be destroyed; acres of hiking trails will be replaced by an embankment next to a road carrying trucks traveling 60 mph. He stated there are neighborhoods, some more than 50 years old, that would be devastated, and it is disappointing to him that the Board's regard for property rights of individuals is so low that their vote last month was without public input.

Mr. Kuhn suggested that some Board members are afraid to hear from citizens, who opposed the bypass plan in the 1990s. He said that VDOT received 7,000 comments arguing against the bypass in the late 1990s in comparison to 1,000 in support.

Mr. Kuhn asked Mr. Dorrier if he wanted to be remembered, after decades of service, as the guy who used administrative tricks to avoid honest debate within his community. He also noted that the State's own studies have shown there would be no significant benefit from local traffic and an extremely modest improvement for a small number of through vehicles, with an incredible cost that has to come from the public taking on new debt. He stated that it will be \$10 per trip for a vehicle on this bypass as constructed.

Mr. Boyd asked Mr. Kuhn where he got the information on the 7,000 versus the 1,000.

Mr. Kuhn replied that VDOT has this number.

Mr. Boyd asked what meeting it came from.

Ms. Mallek commented that it was at the CTB hearing.

Mr. Rooker said that this refers to the location and design hearings.

Ms. Lucy Heath addressed the Board, stating that she is a parent of four children, three of whom attend Agnor Hurt Elementary School, where she is PTO president. Ms. Heath said that the PTO parents are very concerned about this project and she asked the Board to keep Agnor Hurt at the top of their priority list, and to keep the school as beautiful and secluded as it is now.

Mr. Hunter Wood addressed the Board, stating that he is a lifelong resident of Albemarle County and has been a homeowner for 15 years. Mr. Wood said that he supports the bypass and has three children who will have gone K-8 at the Greer/Jouett campus, adding that he is not worried about the noise and pollution from the proposed bypass.

Mr. Tom Olivier addressed the Board, stating that the Piedmont Group of the Sierra Club has opposed the Western Bypass for many years and still does. Mr. Olivier stated that the proposed route now begins, runs through, and ends in developed areas and will disturb neighborhoods, with the bulk of US 29 traffic being local.

Mr. Olivier said that the dollars it consumes could be far better spent on other purposes, such as alternative forms of transportation, and the Sierra Club is also concerned about potential transportation of hazardous materials along the bypass. Mr. Olivier emphasized that much of the proposed route lies in the watershed of the South Fork Rivanna Reservoir and in some places runs along steep slopes as well as

being near six schools. He commented on FEMA's description of hazardous materials, which are most often released as the result of transportation accidents or because of chemical accidents in plants.

Mr. Olivier said that Virginia is active in the nuclear power industry, with the Nuclear Regulatory Commission listing six major facilities for uranium fuel fabrication in the U.S., with two of them located in Lynchburg.

Mr. Olivier asked if the County had done an updated Environmental Impact Analysis, one that includes risks posed by potential future movements of hazardous chemicals and radioactive materials. He said that his organization believes an updated EIS for the Western Bypass is surely needed before construction can even be complicated, and urged the Board to vote against the bypass tonight.

Ms. Wren Olivier addressed the Board, asking them "what Gods you are serving?" Ms. Olivier asked if they are more interested in what is good for this region or if they are more interested in serving the people of Lynchburg and Danville and the political career of Secretary of Transportation Sean Connaughton.

Ms. Nena Harrell addressed the Board, stating that it is easy to stand up and say not in my backyard, but she cannot be so selfish as to say that given that her backyard actually adjoins the bypass. Ms. Harrell stated that she is in favor of building the bypass, as it will benefit the entire community and the entire region. She said she travels often to D.C. and North Carolina, and Charlottesville is the only town that is not bypassed. Ms. Harrell stated that the issue has been studied for 25 years and it's time for tax dollars to improve roads locally, adding that the Board will be applauded in the future for their decision.

Mr. John Pfaltz addressed the Board, stating that he has been on CHART for nine years and he is thrilled that the bypass has been revived. Mr. Pfaltz said that it is needed for all the local traffic, regardless of whether Lynchburg needs it or not, and it will be highly beneficial for commuters going to UVA.

He stated that there is a bottleneck at Memorial Gym and at Hydraulic Road every workday, and this road is necessary for good transit in the future. Mr. Pfaltz said that CHART is always talking about park & ride lots, and there is the most wonderful park & ride lot around U Hall. All we need is a road to it. He added that the network is not designed for transit, and this will provide a possibility for that.

Ms. Sharon Jones addressed the Board, stating that lack of responsible action by County predecessors for the last 20 years has not halted the growth of the County, and noting that the County population in 1990 was 68,177 people; in 2010 it was 98,970 people. She said that is a staggering population increase. She feels the proposed improvements to 29 North are long overdue. Ms. Jones said it is time to start caring about hard-working, tax-paying citizens for reasons of citizen safety, environmental protection, and fiscal responsibility.

Ms. Jones also stated that the road may save lives and will help minimize health risks such as high blood pressure, stress and anxiety for people driving on Route 29. Ms. Jones thanked the Board for not throwing away her contribution through State and Federal taxes allocated for roads such as this one.

Mr. Tom Bailey addressed the Board, stating that he agrees with at least four bypass proponents who say this bypass resembles Route 250, which is still a congested mess. Mr. Bailey said that the proposed Western Bypass is right in the middle of the congested area, and there are already many stoplights north of its northern terminus.

Mr. Bailey stated that he sympathizes with the need to have better traffic flow and getting goods to market, but he has not yet heard sound reasoning why this particular bypass will actually work. He said that studies show that it will not work. Common sense shows that it will not work. Mr. Bailey asked Board members to consider the fiscal irresponsibility already mentioned and the lost tax revenue in perpetuity.

Mr. Guillaume Bailey addressed the Board, stating that he attended Albemarle High School, Jouett Middle School and Greer Elementary, which will all be bordered by this bypass. Mr. Bailey said that he is not sure this bypass will have a positive impact on the many students who attend those schools, noting that the soccer fields and trails he used for years will now have a highway running through them. He stated that Mark Warner declared this bypass obsolete four years before he was born, and told Board Members that he will be able to vote in the next election.

Mr. Mike Farbaugh addressed the Board, stating that he has lived in the area for 22 years and is against the bypass. Mr. Farbaugh said that many of the talking points have been addressed and asked the Board what prompted the reversal of their decision, noting that in reading the *Daily Progress*, several things did not add up, such as Mr. Dorrier's delay in getting to the meeting.

Mr. Farbaugh asked why the Board waited until the last minute to put the Western Bypass on the Agenda. He said a day or two prior, Board Members should have communicated with each other in some

way stating that this controversial item should be added. Mr. Farbaugh said that rather than sneaking a vote in at the last minute, they should put it on the agenda right now.

Mr. Farbaugh asked Board members not to say “we had to act on this quickly or miss out.” That line never worked on him when a used car salesman tried it, and it is not working now. Simply put, Mr. Farbaugh feels these tactics are deceitful and wrong. He said that the *Daily Progress* article also indicates that the community will not get money for other projects unless it accepts the bypass.

Ms. Tammie Moses addressed the Board, stating that she is a longtime resident of the County and is disturbed by the recent bypass developments, especially the process by which it has been crammed down the communities throat, as well as a reckless disregard for community input.

Ms. Moses said there are reasons behind Board etiquette and a democratic process, so little folks can be heard. Citizens might expect this behavior from the Federal Governments, but not from the local elected officials. She emphasized that there are several Supervisors who do not care what the community wants, or the bypass would have made it onto the Board agenda before today.

Ms. Moses stated that the community has already lost \$50 million in tax base over the past 21 years, and the revenue loss with the bypass will be permanent. She asked where the \$300 million would be coming from for the 6.1-mile bypass, which will be starting in congestion and ending in the heart of the University of Virginia. Ms. Moses said there is no budget for it, for the promises made or for the additional land acquisitions, adding that Lynchburg, Danville, Roanoke and UVA should pay for the bypass as well as a few Supervisors who uphold this type of pork barrel spending.

Ms. Moses emphasized that the County has no obligation to listen to other localities about how to solve local problems, nor does it have a responsibility to UVA alumni who want to get to the game a little faster. She told the Board that they do have a responsibility to our community, to listen to top-notch engineers who say the bypass will not work, and to spend tax money wisely, on solutions that will work for the entire community.

Ms. Moses said that while Supervisor Snow encourages people to speak up and be an active voice in the community, she feels this only means if the opinion is one in favor of the bypass.

Mr. Don Krasnegor addressed the Board, stating that he has been a resident here for four and a half years. Mr. Krasnegor said there is not sufficient information right now to make a good decision about whether or not to build this road, adding that he has read justifications given and can't see that the reasons for supporting this project are valid – eliminating traffic build ups, reducing pollution and wasteful fuel – nor are they “grounded in any current, objective data.” He stated that the traffic studies done were over 15 years ago and didn't reveal more than minor traffic relief, so without more current data no one – including local government officials – can state the benefits of what this road will be. “Until that key information is available, no Supervisor should support this project.” Mr. Krasnegor stated that the opportunity for public comment is taking place “after the vote already happened,” and he really wishes citizens had had an opportunity to weigh in on this sooner.

Mr. John Owen addressed the Board, stating that he is the oldest living resident of Colthurst Farm and saying that the paradox here is that Virginia is a Republican State, with its legislative and executive branches being strongly conservative and committed to a thrifty economy and repeated spending cuts.

On the other hand, Mr. Own said, this bypass will cost an estimated \$288 million compared to the mixing bowl in Arlington at the convergence of I-95, I-395 and the Beltway, at a cost of \$676 million. Mr. Own stated that the cloverleaf there facilitates the movement of 430,000 vehicles per day at an average cost of about \$1,570 per vehicle; he said that the bypass here with 12,000 vehicles per day means an average of \$24,000 per vehicle.

He asked for an explanation for this paradox, and said that he can only think of three reasons. Mr. Owen elaborated that there must have been a recent survey showing more traffic, a computer glitch in the estimate of cost, or it may be that Mr. Boyd, Mr. Snow and Mr. Thomas are flaming tree-hugging liberals.

Mr. Owen urged Board Members to tell the truth, and the truth will make us free.

Mr. Richard Wagaman addressed the Board, stating that they have a copy of his written remarks but he would instead talk about the elephant in this room, which is the Eastern Bypass. Mr. Wagaman stated that it makes more sense than anything else he has heard, as that no doubt a bypass for Route 29 is needed as soon as possible.

He feels it is a national security issue, due to the existing north-south corridor limitations and the associated national security implications. He added that it is a regional issue from Culpeper and Lynchburg and beyond. Mr. Wagaman said people here are bleeding because their community is being cut and their schools are being hurt, although they do want a bypass.

He feels that the Eastern Bypass is that solution. He recommended that there be a challenge for the next six months, east versus west, with a decision made in January 2012. Mr. Wagaman suggested

that Senator John Warner and Mark Warner get involved with establishing a funding source for the eastern alternative, which would only involve 20 landowners and would not destroy houses or disrupt schools.

Ms. Donna Vande Pol addressed the Board, stating that she is from the County and is against the bypass, particularly because it is destructive, expensive and ineffective. We should not sell this road as a remedy for Lynchburg freight trucks or commuter frustrations. VDOT studies show this road will not work.

Ms. Vande Pol stated to Mr. Dorrier that she has been paying close attention to what he has said, which has included claims that he was against this bypass route and was open to discuss "a" bypass but only if funding were actually available. She stated that Mr. Dorrier has said that he was opposed to the Western Bypass because it comes so close to schools, through Colthurst, and costs \$255 million. Ms. Vande Pol said Mr. Dorrier's words were "I've never been in favor of this road."

Ms. Vande Pol said that at the June 8 meeting Mr. Dorrier reversed his vote to allow State funding to support it and said he hoped his vote would result in meaningful discussions about improving 29 traffic, and develop a workable and fair compromise for the long overdue improvements to Route 29 while protecting homes and schools on the route. She pointed out that Mr. Dorrier had also said "public hearings are essential," and perhaps he switched his vote to open a community and regional discussion and to achieve a coming together of disparate interests in hope of getting a compromise solution funded that is for the greater good of this community and for Lynchburg.

Ms. Martha Wilhelm addressed the Board, stating that she lives in Mr. Rooker's district and noting that the Supervisors have already been reminded of all the specific reasons why those who oppose the Western Bypass do so. Ms. Wilhelm said that those who oppose or support the road really want the same thing, which is to make the north/south trip through Albemarle County quicker and easier and to relieve the congestion on Route 29 that currently exists. She said that the only difference is that if this road is actually completed, those supporting its construction will be much more disappointed than those of us who oppose it, because we already know that the road will not accomplish our mutually shared goals.

Opponents know, she said, that every objective study including at least two from VDOT have concluded that this project would be wasteful, ineffective, and is already obsolete and should not be built. She also said that even if \$300 million is wasted on this road, Route 29 will still have a failing grade and little would have been done to speed the trip through the County. Proponents of the bypass will learn the hard way that calling a road a bypass does not make it one.

Ms. Wilhelm said that far less expensive and much more effective alternatives have already been proposed that will make travel through the area faster and easier for both local residents and those who are only passing through. She asked the Board to reconsider their votes rather than be coerced and fooled by those in Richmond into squandering \$300 million of precious transportation funding, adding that citizens should stand up together and advocate for projects that will work.

Ms. Peggy Beattie addressed the Board, stating that this road to nowhere does not work and asked if it matters that hard-earned money wasted by government comes from Federal, State or Local taxes. Ms. Beattie said that in a time of economic stress, she is not sure why State and Local officials are seeking to resurrect this wasteful boondoggle.

Ms. Beattie stated that a *Daily Progress* editorial on June 27 pointed out a crisis in our State road system, with one-third of secondary roads and one-quarter of primary roads rated as deficient because they need maintenance and repairs. Ms. Beattie said that instead of wasting hundreds of millions of dollars to build the road to nowhere, Virginia should spend the money to care for existing roads. She added that for over 20 years the people of this community have fought to stop a wasteful, useless road, and in the past have collected thousands of signatures opposing it. She said the community will continue its efforts to prevent throwing away tax money on the road to nowhere.

Ms. Beattie also said that the way the four Supervisors acted in breaking their own rules to sneak in a late-night vote was wrong, and thanked the two Supervisors that were honorable.

Mr. Irv Cox addressed the Board, stating that he has been a resident and business owner along the Route 29 corridor for over 30 years. He thanked the Board for reconsidering the Route 29 Bypass, as it is a project that should have been implemented decades ago.

Mr. Cox said that the bypass will not adversely affect schools or the water supply, and the cost will not take money away from other road projects. He said the real benefit is to those who live in the County and the City. The Route 29 Western Bypass is more than worth the cost to build, and the main street retail and commercial area that is a major tax base will not be harmed or destroyed.

Mr. Cox added that this is a once in a lifetime opportunity to do what should have been done a long, long time ago. Mr. Cox said that he is troubled that the late Charlotte Humphris, Dennis Rooker and a vocal minority have taken control of the process, adding that a 2004 Mason-Dixon poll showed that the

local populous favored the bypass by a 3:1 margin. The community has not rejected the bypass. He said it is the rational and right thing to do.

Mr. Patrick Jordan addressed the Board, stating that he is a resident whose property value will be significantly diminished by the proposed bypass and whose children will spend K-12 on the Albemarle public school campus. He feels this bypass is bad for children's health, children's education, the economy and the environment.

Mr. Jordan said he is here to plead with the Board to reject this proposal, adding that he has always felt that the City and County have set politics aside to protect the County and the people who reside here, but recent events have led him to believe that this is not the case.

Mr. Jordan feels the Board is responding to vague bargaining tactics that the State Transportation Secretary has employed recently. He said that what upsets parents is that 4,000 children will be exposed for seven hours a day to highway emissions and noise pollution because the State wants to cut its losses on a route that does not solve traffic problems.

Mr. Jordan stated that recent studies show that school-age children with developing lungs are more susceptible to environmental pollutants, and children who are exposed to noise pollution experience reading delays along with higher resting blood pressure and higher stress levels. He noted that just last year the EPA drafted school siting guidelines that highly recommended building schools as far away from major roadways as possible, recognizing the adverse effects of high-traffic roadways and linking them to a variety of respiratory symptoms. Mr. Jordan said that ignoring these important studies is grossly irresponsible. He added that the money the State is offering is not worth the health of our children.

Ms. Angela Navarro addressed the Board, stating that she is here to speak against construction of this bypass. While its goal is to alleviate congestion on Route 29, it is an outdated project that does not even bypass Hollymead and all of the development north of Airport Road.

Ms. Navarro said that history has shown that this type of bypass will lead to even more suburban sprawl and development, especially into northern Albemarle and leading into Greene County. The resulting development, Ms. Navarro said, will mean more traffic and more clogged roads, especially on Route 29. It simply makes no sense to pursue this incredibly costly and ineffective project. The County needs smart growth and development, not a 20-year-old ineffective idea.

Ms. Kathy Kildea addressed the Board, stating that she watched the Board vote on ICLEI membership in stunned silence as four elected representatives resoundingly ignored the overwhelming support that had been voiced from citizens in the audience, professionals, and County staff who were in support of ICLEI membership. She asked the Board how they could that.

Ms. Kildea said she stayed until the end of the meeting, when Ms. Mallek adjourned the meeting. As her hand was on the exit door, she said, she heard Mr. Dorrier say he wanted to change his vote and thought he was talking about the ICLEI vote.

Ms. Kildea said that she returned to her seat to watch what turned out to be the most abhorrent scene displayed in front of a bleary-eyed public of about 20 citizens. The manner in which this matter was brought to the meeting, the wrangling motions to undo the Board's own procedural rules, and the script that was handed to Mr. Dorrier to make sure he got it right was deceitful. She said that with no public hearing and the late hour, the entire scenario smacked of ambush.

Ms. Kildea said this issue does not pass the smell test. It was clandestine and conniving. She asked if this was really how the County wanted to conduct business. She described the Board's actions as cowardly and deceitful, and anything but courageous.

Dr. M. C. Wilhelm addressed the Board, stating that his comments are directed primarily at the four Supervisors who voted in favor of the bypass and pointing out that scientific studies have concluded that children who attend school adjacent to highways have an increased risk of pulmonary and neurological problems later in life, when compared to schools that are not close to the roads.

Dr. Wilhelm said this is pretty much accepted, adding that in some States they are considering distances of as much as 1,000 feet from schools. However, this Board is considering building a highway within 100 feet of some schools, and all within 500 feet. He asked them if they are prepared to look themselves in the mirror every morning and accept the responsibility that they have subjected children to these risks because of their action on this issue.

Ms. Barbara Cruickshank addressed the Board, stating that she is a community health nurse and has studied how pollution can affect human health. She said that children are very vulnerable to the effects of traffic pollution and this road would affect thousands of children from age 4-18. She asked the Board to picture the children running on the tracks and playing on the swings and playing ball, and the traffic pollution affecting them.

Ms. Cruickshank said that this traffic pollution will affect their health, and a long-term study from California showed that children exposed to high amounts of traffic pollution had pronounced deficits in attained lung function as well as increases in asthma and bronchitis. She concluded by stating the road is a very bad idea.

Mr. John Cruickshank addressed the Board, stating that he is a County taxpayer and asking the Board to consider induced traffic, which has been recognized by traffic engineers for many decades. He explained that when a new road is built there is an increase in vehicle miles traveled and in 1969, engineer J.J. Leeming wrote that "motorways and bypasses generate traffic...produce extra traffic, by inducing people to travel who would not otherwise have done so by making the route more convenient than the old."

Mr. Cruickshank said that Tom Vanderbilt wrote in his book, *Traffic*, that when more lane miles of roads are built, more miles are driven, even more so than might be expected by natural increase in demand. In 1996, he said, the Commission on the Future of Transportation in Virginia stated that congestion increases as people move outward from urban centers and additional roads to accommodate the people lead to more development and more people and more congestion and more lane miles.

Mr. Cruickshank stated that VDOT understands you cannot build your way out of congestion, but the political appointees in charge want more roads, more development and more sprawl. He said the community gets paved over, becomes less livable, and a few people get very rich. He said that intelligent communities invest in improved public transit and creating walkable communities, making it safe to use the most efficient means of transportation, the bicycle. He said the money could also be used to make our existing roads safer and more efficient.

Mr. Saunders Midyette addressed the Board, stating that he is here on behalf of the Colthurst Neighborhood Board to speak in opposition to the proposed bypass, adding that he is outraged that Supervisors Thomas and Snow met with Secretary Connaughton and have joined in his objective to politically ram this destructive, ineffective bypass down the throat of the community. He said that in doing so, along with Boyd and Dorrier, they have become four Supervisors who have turned their backs on the interest of this community to resolve the local traffic congestion problems with the Places 29 road priorities. Those priorities, he said, were unanimously approved by the Board and can be constructed at a fraction of the cost of the estimated bypass cost.

Mr. Midyette stated that the Supervisors have no written commitment from VDOT to fund the Berkmar Drive extension or the Hillsdale Drive completion, but instead have joined Secretary Connaughton and are now hell-bent upon the destructive and ineffective throughway. He said the Supervisors apparently do not care about the impact of pollution on the watershed, the children attending the seven schools impacted, the County citizens whose homes will be impacted in nine established neighborhoods, nor do they care about the fact this project has been deemed wasteful four times by Taxpayers for Common Sense.

Mr. Midyette urged each of the four Supervisors to come to their senses and reject VDOT's unspecified construction funding of the bypass.

Mr. Morgan Butler addressed the Board, stating that he is speaking on behalf of the Southern Environmental Law Center. He said the Board knows that SELC strongly opposes the Western Bypass, as it has been recognized several times as one of the most financially wasteful and destructive highway proposals in the entire country, not by them, but by organizations such as Taxpayers for Common Sense, a budget watchdog group.

Mr. Butler said the community has chosen to pursue alternatives set forth in Places 29, like Berkmar Drive Extended, that would remove large numbers of vehicles from Rote 29 at a fraction of the cost to taxpayers and without inflicting such damage. He said the State is now trying to lure the bypass as part of an all-or-nothing package deal, but this deal is illusive and seems to change shape on a daily basis.

Mr. Butler stated that the public does not know what they are being asked to consider, and that is not how good decisions get made, with vague references to Berkmar Drive Extended and a "bridge" that will essentially be designed to work for both that and the bypass. He said that there is no assurance that the bridge design would be incorporated into the bypass to make sure Berkmar remains viable, and it is irresponsible to try to advance this deal when such huge questions remain.

Mr. Butler added that in addition to confusion surrounding the details of the proposed deal and how it could ever be enforced, the design and impact of the northern terminus are still unknown, and it is not even clear what the Board voted to do last month, or where the Board currently stands on the Western Bypass since the third option the Board adopted on June 8 was so vague. He stated that the SELC strongly encourages the Board to reject this half-baked deal and maintain the County's long-standing opposition to the Western Bypass. Mr. Butler asked them to demonstrate leadership and convince the State to invest in local priorities for improving Route 29.

Mr. Don Richardson addressed the Board, stating that he has lived in western Albemarle for 45 years and has raised three children through the school system, where their grandchildren now go. Mr. Richardson said that he is a little person with no great business or political interests in the County now,

and he is in favor of this bypass, although it will not solve the transportation problems and will only alleviate them. He expressed concern about the air pollution mentioned by Dr. Wilhelm and others and asked the Board to pause and look at that data.

Mr. Jon Cannon addressed the Board, stating that he lives on Bleak House Road and commutes every day from Earlysville to UVA and opposes the Western Bypass. He said the project was rejected some years ago because it was ineffective, damaging and a waste of taxpayer's money. That has not changed. Mr. Cannon stated that the process by which the Board had this hearing is backwards, and the people are now pushing uphill to get attention on these issues.

He asked the Board, "Why the rush? Was there a strategy to do this, to push it through before anybody noticed it? Were you being coerced by the State? Was there a threat? Were you being manipulated?" He stated that he does not understand why there was such a rush. Clearly there was some kind of deal, but the terms of that still seem vague.

Mr. Cannon added that it is all contingent and there are better ways to solve the problems that this road purports to address. He said that while the County is not an island, this is not a good deal. He urged the Board to go back, listen to the people, and get it right.

NonAgenda. At 10:12 p.m., the Board took a brief recess, and reconvened at 10:20 p.m.

Mr. Scott Vande Pol addressed the Board, stating that the facts are strongly against the current Route 29 Bypass plan, adding that sometimes facts do not prevail and the bad can win out over better solutions if compromises are not entertained.

Mr. Vande Pol said that the interest groups include state-level politics and trucking interests, and someday we must give them a bypass, but it should be the bypass of our choice, not the bypass of their choice, which is the shortest, fastest, cheapest route right up the middle. He reminded the Board that VDOT chose this route because it was the shortest and cheapest on the western side. Mr. Vande Pol stated that the once in a lifetime opportunity is a sales tactic, and we should not be pressured to take a bad deal just because it is free.

He asked the Board if they would eat sacks of hot dogs for the rest of their lives just because they are free. Mr. Vande Pol said that UVA is another interest at play and they want a road to connect to their 650-acre development, but they do not need a four-lane freeway to accomplish this goal. He stated that commuters have testified that this is not a good solution for them and that we should proceed with good solutions. Mr. Vande Pol said that if the County waits a year, property owners can be compensated and affected owners can be compensated through a new constitutional amendment, House Joint Resolution 693, which has passed the General Assembly by wide. He added that it would bring the possibility of some justice to the property owners that will be affected by the Route 29 Western Bypass.

Ms. Sonjia Smith addressed the Board, stating that she lives in the Jack Jouett District and has four children, as well as owning a business with five full-time and one part-time employee. Ms. Smith said that it is unfortunate that this debate has been framed in us versus them terms, noting that she has a mother in Winston-Salem and extended family in Lynchburg so she is extremely sympathetic to the concerns of Lynchburg and Danville. Ms. Smith said that she does not think this bypass solves their problem. She feels it was out of date when it was proposed and it is unfortunate that it has been revived in the manner in which it was revived. She would like to get more information about what's going on and the various alternatives.

Mr. Dan Bieker addressed the Board, stating that he has lived her for 30 years and saying that this all boils down to fiscal responsibility. He said that the figure stating 7,000 opponents is not an exaggeration. Mr. Bieker stated that what killed this project in the past was VDOT's own studies and the hired engineers who came up with the conclusion that the bypass would not solve the problems on Route 29; the real answer is in improvements to the corridor itself.

Mr. Bieker added that the kind of mentality that says it is o.k. because it is State money, not Local money, is what leads to wasteful spending and budget deficits and he hopes that the Board would be above that kind of thinking. Mr. Bieker urged the Board to exercise fiscal responsibility and employ effective cost-benefit analysis and reconsider their decision.

Ms. Theodora Carey addressed the Board, stating that she has lived here for 38 years and was formerly a teacher. She said when she was 10 she lived on Long Island and asked her mom one day after school to move back to Alabama, where there were no fences around schools. She said there was something negative about the psychological impact of the fence.

Ms. Carey said that it is a major problem to have a school so close to an interstate, and over the past 50 years she has read numerous studies about the impact of noise and pollution on children in

schools, and this will affect 1/3 of them. She also expressed concern about the materials being carried along this road by nuclear facilities such as those in Lynchburg.

Ms. Sarah Frazer addressed the Board, stating that she has been studying and working in sustainable development for the past eight years and the County is beyond the point where expensive highway projects like this one are considered the sole solution to urban traffic flow issues.

Ms. Frazer said that even the VDOT study for this bypass alignment states that the majority of the traffic is local and the proposed Western Bypass in its current location would not solve the traffic congestion. She stated that this proposed strategy is simply outdated, ineffective, and this quarter of a billion dollars could be put to better use improving the areas public transportation system, including better bus service such as a bus-only lane on 29 North, park and ride centers and additional bike lanes.

Ms. Frazer said that if there were a participatory budget process in place, the majority of Charlottesville and Albemarle residents would not vote for this project. She feels that more roads, more cars and more big box development is not progress. She added that it is time to reduce carbon emissions, not increase them, asking the Board to put the citizens of the community first.

Mr. David Dixon addressed the Board, stating that he is Program Manager with the Virginia Chapter of the Sierra Club. Mr. Dixon said that at the beginning of this meeting Ms. Mallek called for a sense of community spirit, and that has been carried out here tonight.

He said that the Sierra Club appreciates the opportunity to provide comment on their position supporting the proposed construction of the Western Bypass, adding that the Club is 15,000 members strong and is working to build healthy, livable communities and conserve and restore natural resources with 1,100 supporters in Charlottesville and Albemarle.

Mr. Dixon said that the Sierra Club supports the Piedmont Chapter's viewpoint in opposing this bypass, noting a resolution unanimously passed by the Commonwealth Transportation Board on June 15, 2011 that urges "a collaborative effort to study the future of the entire Route 29 corridor, as a corridor of statewide significance...which includes seeking solutions to mobility and accessibility of Route 29 corridor north of Charlottesville, and a process that involves opportunities for public involvement."

Ms. Julie Govan addressed the Board, stating that she has lived here for about 14 years and has noticed tonight that arguments in favor of the bypass are based on the philosophy that wishing makes it so. Ms. Govan said that supporters say it will ease congestion, but VDOT says it will not, and will still be at a failing grade.

She said that supporters say it will bring more monies to the communities to the south and west of us, but there is no evidence supporting that, and it seems unlikely that people are going to jump in their cars and drive to Lynchburg, Danville or Roanoke simply because there's a six-mile bypass around Charlottesville.

Ms. Govan stated that supporters claim it will reduce pollution, but those entities are members of chambers of commerce to the south and west of us, people who are hoping to see more cars pass through our neighborhoods and come spend money with them. She said that if wishing makes it so, then perhaps the bypass will not take place, because there are too many people who are wishing fervently that this can be re-envisioned.

Ms. Deb Tyson addressed the Board, stating that she has been Athletic Director at Albemarle High School for 21 years. Ms. Tyson said that the 15 acres behind Jack Jouett, Greer and Albemarle High School is beautiful acreage full of streams and trails used by our County every single day.

Ms. Tyson stated that the trails there are carefully planned, paid for and maintained by the Albemarle community, students, boosters and parents. She said the trails are used by the cross-country and track teams but also serve as a living classroom for the earth science, biology, ecology, chemistry and photography classes at all schools, with trails and benches there in memory of Albemarle students who have passed away. It will irreversibly and permanently change the climate of what we claim are County schools and transfer them into the City environment.

Mr. Max Evans addressed the Board, stating that he has lived here for over 40 years and came here to teach with UVA and then began a consulting firm. Mr. Evans said that about 35 years ago he planned projects on 29 North that were very close to the City limit, and at that time he suggested that parallel roads be built on both sides. As the projects were being designed and approved the roads could be built as a part of those projects, including Berkmar Drive.

Mr. Evans stated that some of the alignment is not connected up very well right now but could ultimately be corrected, so from work in other cities he is well aware that using parallel roads is how to deal with a major developed corridor like 29 North.

Mr. Evans said that this is not a bypass, it is a throughway, and is not solving the problem that exists on 29 North. It was proven long ago. He stated that taking it where it joins in on the existing 29

Bypass, there are so many exits there that they will be backed up when they get to the interchange anyway.

Mr. Ned Slaughter addressed the Board, stating that he lives off of Woodlands Road and previously lived in Colthurst Farm. His house was acquired in 1998, so he no longer has a conflict of interest. He feels that the Route 29 Western Bypass is a terrible idea. It might have been a good idea in 1950. The reservoir was not built then, and none of the schools and few of the neighborhoods were.

Mr. Slaughter pointed out that the traffic lights to the north of the bypass are innumerable and they will become more numerable for the rest of our lives, all the way up to Culpeper. He said that in pondering this for 30 years the only viable way he sees to solve the issue of the north/south arterial highway would be picking up I-64 and bypassing the Green Spring area and Gordonsville, then going to Culpeper on 522, as there are no traffic lights until the intersection of Route 28 and Route 29.

Mr. L .F. Wood addressed the Board on behalf of the North Charlottesville Business Council, stating that they are an arm of the Chamber of Commerce and strongly support the bypass. Mr. Wood said that for the last six years the council has been working on Places 29 with the Board and staff and was told there was no money, so they came up with a plan to do the doable. He stated that this is an opportunity that wasn't there when the Places 29 plan was endorsed, and encouraged the Board to proceed with the bypass.

Mr. Rob Craighurst addressed the Board, stating that he has lived in the area for 37 years and noting that he agrees that the traffic problem on Route 29 is a mess and agrees with Lynchburg that a viable corridor is needed.

He feels something needs to be done, and something big. Mr. Craighurst said that 80-90% of the traffic is local, and the commuter rail service from Lynchburg to D.C. has been highly successful, so what is needed in the community is realistic and comprehensive mass transit.

He mentioned that he had just recently visited Portland, Oregon, a locality to which the Federal Government 30 years ago had offered a significant amount of money for highway funds, but the City put it towards mass transit instead and they have an amazing mass transit system with light rail going over 20 miles in each direction east to west.

Mr. Craighurst said that feeding cars is like feeding cats, you get more of them and it is not sustainable to feed more cars in our future. The future really is mass transit. He asked the Board to feed that.

Ms. Frances Lee-Vandell addressed the Board, stating that Places 29 should be in this discussion more and she would like to know how it would mesh in with this funding.

Mr. Butch Houchens addressed the Board, stating that he is a fourth generation County resident and owns a small business. Mr. Houchens said that his comments have fallen on deaf ears here, adding that he is a consummate environmentalist who would like to survive the development of Albemarle County.

He stated that he would like to know what percentage of the roadway runoff currently goes into the reservoir, and would like to know what percentage of the new road runoff would go into the reservoir.

Mr. Bryan Thomas addressed the Board, stating that he lives in Dunlora and commended the Board for moving forward with the Meadowcreek Parkway. Mr. Thomas said that traffic does need to move off of Route 29, and the challenge is to move forward with something that will help the community.

Mr. Carter Myers addressed the Board and said that he and Bill Roudabush had asked VDOT to do a special study to make sure the reservoir is protected, and he submitted a copy to the Clerk for the public record.

Mr. Jeff Werner said that Mr. Rooker was right when he predicted some Supervisors would catch people off guard and pulled this one over on the community. Mr. Werner stated that years of work on Places 29 is all but gone in a single late-night vote, adding that the most ridiculous claim he heard tonight from bypass supporters is that those who are opposed to it do not want any solutions on Route 29.

He said that bypass opponents support the improvements that VDOT said would be necessary to improve traffic, to alleviate congestion on Route 29. VDOT told the community that a bypass will not work. He said if some citizens are convinced that it will, he would like for it to be proved, before spending a quarter of a billion dollars of taxpayer money.

Mr. Werner also said that it is false to claim people stopped the bypass from being built, as there was never any construction money for it nor has VDOT completed the right of way acquisition or the design. He stated that while the Board has rushed this through in a summertime lull, there will be plenty of time for some to get the facts out to the community about what the Board is ready to force on this community, and what they are ready to force on State and Federal taxpayers.

Mr. Werner stated that he has wondered if people in Lynchburg have even looked at a map, as this half bypass will not bypass the County's growth area. He added that Mr. Battig conveniently left out that VDOT did give the County a plan, which is a sequencing agreement on what to do and when to do it.

Mr. Dave Frey addressed the Board, stating that he has lived here for four years and moved here because of the schools. Mr. Frey said he is against this bypass to nowhere and, having grown up in Chicago, feels there is something corrupt going on. He stated that the road seems to address issues at JPJ, but this plan from the last century applies to this century. Mr. Frey stated that the community is pedestrian-hostile enough as it is, and this road is no better.

Mr. David Shreve addressed the Board, stating that he lives on Stillhouse Mountain and walks the 15-20 acres of woods around his property almost daily. Mr. Shreve said his two daughters have attended County schools, with his youngest attending Greer Elementary. He said that his ten-year-old will lose her soccer field, and that his neighbors to the west in Colthurst, some of their homes where they have lived for years and years will be effectively wiped out.

He also said many of his neighbors' homes in Montview will also be wiped out, adding that he wanted to hear both sides of the bypass discussion tonight. Mr. Shreve stated that he agrees that there are benefits to the bypass, but as an economist he cannot support it because the cost-benefit analysis does not add up. He encouraged the Board to reconsider their position and reject it.

Mr. Preston Stallings addressed the Board, stating that he appreciates the four Board members who stood up for what he feels is right.

Mr. Jeep Newman addressed the Board, stating that he lives on Barracks Road and that VDOT paid him a million dollars to disembowel a subdivision he owns as well as bisect his property. Mr. Newman said he is against the bypass, but not because of that.

He emphasized that the reason this bypass has been thwarted is 100% the fault of VDOT's incompetence, as they put the road in the wrong place at the wrong time so the furor that erupted when it came out in 1990 was enormous and instant.

Mr. Newman said there is nothing that has occurred since that time to change it. It has only gotten worse. He also pointed out that he is not related to Steve Newman, author of the previously mentioned bogus ordinance about paying this money back to the Federal Government or to the State of Virginia. VDOT has stated that it is wrong by their studies, and yet they still went ahead and bought the right of way. He said this behavior is ridiculous.

There being no further public comment, the matter was placed before the Board.

Mr. Rooker said that he was going to refer to third party documents, because sometimes it is good to have someone else putting the facts out. He read from a 2003 editorial from the *Daily Progress*: "We shook our heads in disbelief when the Virginia Department of Transportation, saying it was following public opinion, picked a short route – Alternative 10 – for the U.S. Western Bypass. It dumped traffic right back into a commercially developing area. Everybody knew it would be obsolete by the time it was built."

Mr. Rooker said that the article also says that "A limited access highway along US 15 easily accessed from I-64 would be efficient enough to attract through-traffic away from US 29 south of Culpeper and US 250 east of Charlottesville. The route would also be much cheaper mile for mile than the grossly expensive, close in Western Bypass."

Mr. Boyd asked if that was authored by a traffic engineer.

Mr. Rooker responded that it was authored by the *Daily Progress*, that it was an editorial.

Mr. Rooker stated that surveys have shown that an eastern bypass is favored, whereas there has never been a survey done in this community in which more than 35% of people thought this particular road is a good idea. Mr. Rooker stated that all surveys have shown a preference for an eastern bypass, which the *Daily Progress* did in the editorial he just read.

Mr. Rooker said that another editorial also said, "According to a study, widening US 29 North to eight lanes, constructing three overpasses at key intersections would provide a much better level of service at less cost than any of the bypass or expressway options." He quoted another article stating that "The money, blood, sweat and tears have demonstrated that massive measures such as a bypass are more destructive than constructive. A costly bypass would destroy homes, reduce land values, create a rural eyesore, probably endanger the watershed and threaten the County's policy of rural protection by

increasing pressures for outlying development. For all of this, it would serve only 10% of the traffic now causing such congestion on Route 29.”

Mr. Rooker said there is lots of history here as to why many, many previous Supervisors, Peter Way, Forest Marshall, Rick Bowie, Walter Perkins and Charles Martin, all opposed this road. He stated that in 1990, while serving on the CTB, Mark Warner voted against the road, saying it was obsolete.

Mr. Rooker pointed out that the two last secretaries of transportation had this road studied by their commissioners of transportation, who came back and said the road would not be a good State investment, and they decided not to move forward with it for that reason. He added that the CTB members from the local district, one from Culpeper and one from Fauquier, are not in favor of this project, and the State's \$1.5 million transportation study that concluded last year did not recommend building this road.

Mr. Rooker said the VDOT staff over the past decade has not recommended building this road. He said these are all people simply looking at whether or not it is a good State investment, not even focusing on all of the local impacts that you have heard mentioned at the meeting tonight, which are many. He said that for \$250 million, we will not have a bypass, because the design is not one of a bypass, and an actual bypass will not happen because all of the money will be spent.

Mr. Rooker also said that the EPA wrote a letter in 1997 which raised concerns about possible adverse impacts to the public water supply, and said “Alternative 10 poses long-term risks to the South Fork Rivanna Reservoir, the only drinking water source for the county for the foreseeable future. The EPA believes the risk to businesses and residences of potential contamination from the County's water supply, which may impose significant costs on existing businesses and greatly limit the ability of the County to advance its economic development is a major concern that warrants serious consideration of alternatives to avoid this potential.”

Mr. Rooker read that in regard to public opinion, “Finally, EPA has also heard many concerns from the local citizens regarding the planning and decision making process for this project. While transportation planning is always controversial, the degree of local unanimity in opposition to Alternative 10...has been remarkable. For example, at a 1980 hearing, 3,212 citizens rose to oppose the project, with only 51 to support it.”

Mr. Boyd stated that Judge Moon's numbers seem to discount those figures, and show different numbers. When the Piedmont Environmental Council and the Sierra Club sued on nine different counts, a lot of what Mr. Rooker has mentioned, Judge Moon ruled against them. The Supreme Court also ruled against them. Mr. Boyd said that if you read the history put out by Judge Moon, very different numbers are used than what Mr. Rooker just used.

Mr. Rooker said this is the report by the EPA on the public hearing, and pointed out that the case never went to the Supreme Court, and he has no idea what Mr. Boyd is referring to. He also stated his numbers were extracted from VDOT's records on public hearing comments.

Mr. Rooker said the Board just heard a lot of comment about the damage to homes, schools, and neighborhoods. Mr. Rooker said that Deb Tyson, Athletic Director of Albemarle High School, came in and expressed concern about the impact of roads on the school complex and children's health and the articles cited on pulmonary impacts on children are the reason why other states have already passed legislation allowing large highways.

Mr. Rooker also stated that the condemnation issue is significant, and there was a hearing on the shopping center going in by Glen Orchy recently where Supervisors indicated they were not comfortable with the taking of private property. Mr. Rooker stated that the bypass project would be the most significant taking of property in County history, with more to come according to the CTB. He said that there is a constitutional amendment that passed both houses of Congress to allow for significant compensation for properties impacted by this project. He stated that there is no reason that we need to rush forward with this.

Mr. Rooker stated that the letter brought in today indicates there is a waiver for buying back right of way as well as time deferred for legislation. He feels the Board should take its time with this. He thinks it has been precipitously put on the community. He noted that when there was massive public opposition there was a long time for input and the public information process and the road has been dead because VDOT did not think it was a great idea based on their own traffic studies. He said that now, all of a sudden, there is a huge cram-down of this project onto the community. He said the citizens do not like it.

He said that the motion passed on June 8th was questionable, and Mr. Davis's e-mail indicates the motion does not refer to any particular document or bypass. He stated that it was not an effective motion.

Mr. Rooker stated that it also does not include any reasons why they support it, and by saying “we got everything we wanted” that should mean funding for Hillsdale, which removes as much traffic from 29 as this bypass, about 12,000 vehicles.

Mr. Thomas asked how many cars the bypass would remove, suggesting a number of about 20,000 vehicles.

Mr. Rooker suggested that Mr. Thomas find an actual traffic origin destination study, but there was one in 2010 that projected 12,000 and agreed that a bypass would provide another little local road that would cut through the County and some people would take. He said the question is whether it is

worth \$250 million and all of the community impacts that have been discussed over and over. He said that is a judgment.

Mr. Dorrier said that how he became involved in this was through receiving a call from Secretary Connaughton, asking him to reconsider his vote if he could assure that Albemarle County would get full funding for the Western Bypass. Mr. Dorrier explained that they talked about other projects, such as the widening of Route 29 North, Hillsdale, and the Berkmar Bridge over the Rivanna.

Mr. Dorrier said that Secretary Connaughton said he did not know whether he could get the money for Berkmar Drive but he said he thought he could get it for the widening of Route 29 North and he could get it for the bypass.

Mr. Dorrier stated that since the County had not received money for this before he thought it would be a wise thing for Albemarle County to take advantage of the funds it was getting since there has been such a tight budget. He said he thought that it would help the County and help the people of the County, so he agreed to change his vote. He said that there was no quid pro quo, no payoffs or rebates, adding that he was running late to the meeting and was not trying to pull one over on anybody.

Mr. Dorrier claimed that he was trying to have his vote changed as soon as possible after speaking with Secretary Connaughton, adding that the alignment is something that should be closely looked at. He said the bypass right of way has already been purchased all the way up to Route 29 North.

Mr. Rooker mentioned they haven't bought about one-third of the right of way.

Mr. Dorrier said the State wants to move quickly because they own \$40 million of right of way that would revert to the owners if it is not used. He thinks that the Western Bypass is important to Albemarle's future. There's an opportunity here to relieve pressure on both Route 29 North and to make the road safer for all who use it. He said that nobody has mentioned all the accidents on Route 29 North, or the four major shopping centers in that area, as well as NGIC and DIA.

Mr. Rooker said they are north of the bypass.

Mr. Dorrier said they will still be affected by the bypass. He added that new business built up out there would be served, and we are going to be hurting badly in the County if we do not do something about the road. He stated this is an opportunity for the County to have the equivalent of an entire one-year budget for Albemarle County. Mr. Dorrier said this would be a chance to widen 29 and make other improvements such as Berkmar as well, adding that the County can deal with the highway department and make changes as they go along. He added that the layout of the road can be adjusted.

Mr. Rooker said that the State has said they want to build "this road," and they do not want to change it because they have bought right of way and have paid for the engineering. He stated that the biggest complaint people have had about it is it is not a bypass, it goes through the community.

Mr. Dorrier stated that while there is not a lot of room for change in the plan, Jim Utterback is a reasonable person and would listen to reasonable adjustments. Mr. Dorrier said Mr. Utterback will be here tomorrow with his maps, and envisions working closely with the MPO to get the job done.

Mr. Thomas said that the transportation department is open and willing to listen to changes such as the Ashwood Boulevard interchange, in accordance with what the County wants and what the community up there wants. He stated that there can be changes.

Ms. Mallek said she spoke with Secretary Connaughton herself and he was very clear that the only bypass he was interested in is one is already designed that could be built during his term.

Mr. Thomas stated there have to be some buttons pushed before the money can be put in place. He said that the first thing that needs to happen is the language has to change in the TIP. That is the number one thing. Then, the Board can vote to put it in the long range plan, because it is still in the six year plan.

Mr. Rooker said that no one deserves to be vilified, but one of the things the Supervisors have said is that they went to the Secretary with County priorities, and he indicated the State would fund them along with a bypass. Mr. Rooker stated that he has a resolution with the items he thinks they requested funding for.

Mr. Snow said that each Board Member should have the chance to share their opinion.

Mr. Dorrier said that Mr. Utterback told him 14 lights would be avoided with the Western Bypass. Mr. Dorrier said that Mr. Utterback is very big on the bypass and he thinks that it is going to go a long way to helping the whole system.

Mr. Rooker said that Mr. Utterback has told him time and time again, before the current Secretary of Transportation took office, that the bypass made no sense.

Ms. Mallek pointed out that VDOT has a change of command.

Mr. Thomas reported that today he met with the Commissioner, and with the Engineer, Charlie Kilpatrick. Between the two, he is working on getting a resolution together asking for things, such as

transit from Route 29 to the Airport and to Hollymead. He added that they are considering these things; they are not set in stone yet.

Mr. Rooker said there would be an MPO meeting tomorrow but no vote would be taken until the meeting on July 27.

Mr. Snow said the MPO may not vote then if they do not have what they want.

Mr. Thomas confirmed that the plan is to vote on the 27th.

Ms. Mallek said it could be postponed, and Mr. Tomas answered that it could be.

Mr. Rooker said that if the TIP is changed, then you have given up whatever leverage there is, and the only way to assure funding for the other projects is if they are put that in the TIP motion. He said the MPO could make the change conditioned upon the funding for those other projects.

Mr. Thomas said that would be the resolution they are putting together.

Mr. Rooker stated that it needs to be noted that the State is talking about funding the bypass by taking money away from some other projects that are already in the TIP, adding that there may be a lawsuit filed on environmental grounds.

Mr. Thomas said that the environmental study has been done.

Mr. Rooker pointed out that the argument will be whether they have to do a supplemental environmental impact statement, an environmental impact statement or an environmental assessment. Mr. Rooker said they have not done any of those yet.

Mr. Rooker said that funding can be moved precipitously and Congress is already talking about reducing transportation projects by one third in order to balance the budget, and this bypass was not on the State's list of 900 projects, which would ultimately be funded through federal bonds. He said that unless you have a hook to assure you get these projects funding, there is no assurance that they will be.

Mr. Thomas said that he cannot answer that question.

Mr. Snow said that he and Mr. Thomas agreed they would create a resolution that would assure the things wanted before they vote on it, adding that they would say their vote is dependent on us receiving the things as outlined in the resolution. He said it may differ a little from Mr. Rooker's version but it is really not a long way's off.

Mr. Boyd stated that Item 2 has not been promised in any conversations and it needs to be discussed with VDOT.

Mr. Snow said he agrees with a lot of Mr. Rooker's suggestions, but not all of them.

Mr. Boyd said that he is not in favor of voting on the proposed resolution tonight until there is further discussion with VDOT.

Mr. Snow said they are not voting tonight.

Mr. Boyd said he wanted to make his comments, and not be kept here all night by arguing points back and forth. Mr. Boyd said there has been a lot of discussion about an "F" status, and the VDOT engineers are not sure where that number comes from, but they think it might be a 2010 study, which Mr. Boyd said was actually done in 1992, and it was a projection through 2010, but it has expired. That study did not take into account the six-laning of Route 29. It was still a four lane road at the time the study was done. Mr. Boyd stated that VDOT had mentioned doing current studies on Route 29 but the MPO was not in favor of it, and also said that traffic modeling is done through computers projecting years ahead. VDOT said that a couple of assumptions used the wrong way in one of those models, and would greatly skew the results.

Mr. Boyd said what has happened here is the current administration came to certain Board Members and said they have the money to build the Western Bypass. Mr. Boyd said they were told that there were other things on the priority list, stating that Places 29 had several different projects, one being Hillsdale Drive extended, which is on schedule and funded. VDOT told him that none of the funds would come out of that.

Mr. Rooker said it is not funded.

Mr. Snow said it is not funded right now, adding that he would clarify that in a few minutes.

Mr. Boyd said that the Best Buy Ramp is moving forward, VDOT has taken it over from the City, and it has been escalated by a year. He said that the widening of Route 29 into three additional lanes will be done per letter from the Commissioner. Mr. Boyd stated that he has not heard the State agree to do Berkmar Drive, but the County did not have any money to do Berkmar Drive before, and they did not have any money before to expand the lanes on Route 29. He said this is all money that has been put on the table in order to do the Western Bypass.

Mr. Boyd said, VDOT did not say the County could use this money for transit, or for just anything. It was only given to the County, it has only been offered to do one thing, which is an important project for the State to do. In his mind, he feels the County can either take it or not.

Mr. Boyd stated that he does not think the County would see anything like this type of funding in the future anytime soon, adding that there is already a lot of traffic going by schools at this time. Mr. Boyd said that there is a lot of traffic on Berkmar Drive today that goes by Agnor Hurt.

Mr. Rooker responded that those studies involve four-lane highways carrying truck traffic.

Mr. Boyd stated that the design of this road passed all of the environmental studies done by VDOT, and there was a lawsuit related to it, with VDOT redoing it to the satisfaction of the court.

Noting the study Mr. Carter Meyers presented, Mr. Boyd said he has read that further out western bypasses would actually have more impact on the watershed. He also stated that eastern routes have been deemed detrimental because of historic properties, conservation easements, and other communities. Mr. Boyd said that eastern routes were tremendously opposed by the community.

Mr. Dorrier also said that ramps on the bypass need to be considered as well.

Mr. Boyd said that there was discussion of interchanges on at least three of the roads on Route 29, but the City objected to it on Hydraulic Road and the Board at that time also opposed it.

Mr. Rooker stated that there is a long history of interchanges on the bypass. He also stated that long before he was involved, the County opposed interchanges, such as Barracks Road and at Hydraulic.

Mr. Boyd said that the grade-separated interchanges for Rio Road, Greenbrier and Hydraulic were discussed before the bypass, and that was removed from the plan by the Board of Supervisors and the City Council.

Mr. Rooker stated that it was removed by the CTB with Mr. Carter Meyers serving on it, and they sent a letter to the County without any notice that basically notified the County that grade separated interchanges had been removed from the transportation plan.

Mr. Boyd said that is not what he has heard.

Mr. Rooker pointed out that this is why he uses other factual documents as opposed to just giving his opinion. He presented the study showing the "F" level of service without building interchanges.

Mr. Boyd asked him what the date on this is.

Mr. Rooker said it was 1990.

Mr. Boyd implied that the numbers are outdated.

Mr. Rooker said the level is even worse now.

Mr. Boyd said there have been more businesses put along Route 29 since that was done.

Mr. Rooker stated that would make it even less likely to operate at a better level of service.

Mr. Boyd said that is Mr. Rooker's opinion.

Mr. Rooker said he does not think adding traffic improves the level of service.

Mr. Boyd also stated that despite all the high figures being thrown around, VDOT projects this cost at \$196 million to complete the bypass, and VDOT thinks the project will come in at much less than that because of the current bidding environment.

Mr. Rooker said that the \$250 million came from the Commonwealth Transportation Board representative from this area.

Mr. Boyd said that VDOT has stated this would not take funding from the Belmont Bridge. Mr. Boyd stated that the County is going to get a lot of stuff done for Places 29, the County will get a bypass, the County will get more money for transportation than they have gotten in this County for who knows how long, and he said that the County will improve its relationship with VDOT so that it will be in a position to get more money in the future. He stated that it is not coincidence that Albemarle has the lowest per-capita spending for roads here than any other place in the State, \$41 versus \$500 in many localities.

Ms. Mallek commented that there is a possibility that VDOT has been starving the County for three years to create this situation, which makes the County desperate.

Mr. Boyd said he does not agree, that three years ago it was the Secretary of Transportation who said the bypass was a crazy thing to do anyway.

Mr. Rooker stated there is a new political climate with new political alliances going on, adding that projects are lumpy, with Meadow Creek expenditures at \$28 million already washed through the system.

Mr. Dorrier said it is going to be important for retail and economic vitality in Albemarle County, and it offers a chance to work with the business community.

Mr. Thomas said that item 2 on the proposed resolution was brought up on the list that Steve Williams of the Thomas Jefferson Planning District Commission drafted. Mr. Thomas said he had extra copies available.

Mr. Rooker mentioned that the modeling shows that the combination of Berkmar Extended and Hillsdale carry a lot more traffic than the bypass would, and the combination of the two would be about 25 percent of the cost of the bypass.

Mr. Boyd asked what percentage of local traffic would go on that road.

Mr. Snow said that he is ready to go home.

Ms. Mallek asked if there has been a change of heart from any of the four members that voted in favor of the bypass.

Mr. Snow said that there were several references made to bowing to Lynchburg and Danville, and he can state unequivocally that none of the four of us have been contacted from anyone from the south. He stated that his decisions are not based on anyone from the south. He said all of my decisions have been based strictly on what he thinks is best for this County. He stated that in meeting with Secretary Connaughton, he said "would you be interested in a bypass?" Mr. Snow said that he and Mr. Thomas both indicated to Secretary Connaughton that there were several priorities already put forth in the community that had the support of both the Board and the community. Mr. Snow said he told the Secretary that until those priorities were met, the Board is not interested in a bypass.

Mr. Snow reported that Secretary Connaughton then asked if the Board would support a bypass if all of the other things on the list had funding. He said that every time he and Mr. Thomas talk about improving County roads there is absolutely no money available, noting that Mr. Rooker had once said "boy if we could do the doable list I might even be interested in a bypass". However, Mr. Snow said Mr. Rooker knew he would be safe in saying that because there was no money.

Mr. Rooker said he would like to take a look at those minutes.

Mr. Snow said that in attending the VaCo meeting last year he listened to all the counties crying that there was no money for roads, and he and Mr. Thomas went into a meeting with the Secretary and asked for the doables and they were offered a bypass as well. Later, they were asked to put it in the long range plan in the Transportation Improvement Program (TIP). That was what they had to do. They did not make a decision to vote the bypass in or anything else, but they wanted to put it on the agenda so it could be talked about, and the hearings could be held. He let the public know that they have an opportunity again tomorrow night and another opportunity in two weeks.

Mr. Snow said there was nothing rammed through. The only thing that has been done was to put it on the agenda so it can be discussed. He said that nothing has been voted on, and nothing has been decided.

He said the public commented that we should save our limited money, and if they did save it, the County would not even be able to build a go-cart track.

Mr. Snow said to him, the main issue is not the bypass, it is getting all the other identified projects, which will also reduce the traffic burden on Route 29. He said that now that the bypass has been added, he can see some very valuable things that will happen as a result of it.

Mr. Snow said that while the bypass may only move 10-12 percent of traffic, but that is significant as many people are headed into UVA. He said citizens can pick up that bypass, miss 14 traffic lights and come right out on UVA grounds and into the parking areas.

Mr. Snow added that he does not believe the bypass is obsolete.

Mr. Snow reported that he and Mr. Thomas went to Richmond this morning to meet with Commissioner Whirley and Charlie Kilpatrick and presented them with a list comprised of information from Steve Williams of TJPDC. He said that those officials provided a memorandum of agreement but it was vague, mentioning the widening of Route 29 and guaranteeing that no other projects would be defunded.

Mr. Snow said that he and Mr. Thomas told the Commissioner they would not vote for this on the MPO until it was written out in a way that everyone could understand it and know that it is part of what the Board is trying to do. Mr. Snow said that Mr. Kilpatrick told them they would want to put it in the form of a resolution, and he shared with the Board a list of those items as written by Steve Williams that was given to the Commissioner and Mr. Kilpatrick today. The list included the widening of US Route 29 from Rio Mills to Timberlake, taking out the areas that are unsafe, smoothing the roller coaster hills, and redoing the entrance of Ashwood Boulevard where there was a fatality. The Commissioner respond "o.k."

Mr. Snow also reported that when they presented Berkmar Drive Extended as a priority they indicated the County would need it to be engineered and designed in such a way that it can be hooked onto. The biggest part of Berkmar is the bridge. The bridge and design are part of this; to be designed in such a way that Berkmar Drive Extended can hook into it.

Mr. Thomas stated that they can engineer it to accommodate the bypass and Berkmar Drive Extended.

Mr. Snow said that Mr. Kilpatrick assured them they could engineer anything.

Mr. Snow stated that the third item on the list was the Best Buy ramp, and it is fully funded at a cost of \$4.7 million, and ready to go forward.

Mr. Rooker pointed out that it does not have anything to do with the bypass.

Mr. Snow said it did not, but it was on the doable list.

Mr. Rooker said that project was negotiated long before.

Mr. Thomas said that he was afraid some of these projects might lose their funding.

Mr. Snow reported that while the money is there for the design and engineering of Hillsdale, the funding is not there for building it. He said that he indicated to State officials that the County had money put in the agreement for the Hillsdale Connector and said that he and Mr. Thomas had received some assurance from Secretary Connaughton, but that needs to be spelled out.

Mr. Thomas pointed out that the City of Charlottesville had their own design for the Hillsdale project.

Mr. Rooker said that they had the design hearing, but what they do not have is construction money, which is about \$9 million.

Mr. Snow said that the amount of money for the Hillsdale Connector is \$29.8 million, and there was no way the City or County could come up with that kind of money. He said that is part of the agreement with the State, that they will send the Board a letter stating that all of these projects mentioned so far are on the list. He said they asked that they be very specific.

Mr. Snow stated that he and Mr. Thomas also asked the State to be mindful of City projects, such as the Belmont Bridge, which will cost \$14.4 million and is not on the agenda for construction until 2016. Mr. Snow indicated that Commissioner Whirley told him the project could be moved up by two years. He also reported that Mr. Williams said that transit extension to Hollymead Town Center would be a worthwhile project consistent with both County and MPO plans, and suggested that the County ask Commissioner Whirley for securing funding for CAT from the Department of Rail and Public Transportation. Mr. Snow said that Mr. Whirley told him that he does not think it would cost a lot and while he would look into it, he could not promise anything.

Mr. Snow said that he and Mr. Thomas again told State Officials today that if these projects are not spelled out exactly as just explained, the County will not be voting for the bypass. He said that is a promise to the public here and everybody else who has left here tonight.

Mr. Rooker said that kind of clarification was extremely helpful.

Ms. Mallek congratulated him for his efforts.

Mr. Thomas said that Mr. Snow did a nice job of explaining their efforts.

Ms. Mallek said this does provide some reassurance, because once votes are made she does not want government at other levels to walk away. She said that if the Board gives away all of the marbles, they would not have anything to play with at all. She also stated that this is a big step forward. She emphasized that there does need to be a way to ensure that this contingency sticks, even in the event of a change in administration.

Mr. Boyd stated that it sounds like this is going to be put in writing.

Ms. Mallek noted that the information Mr. Snow and Mr. Thomas presented is very different than what Secretary Connaughton told her. She is hopeful that the situation is evolving.

Mr. Thomas said that is why he and Mr. Snow initiated a meeting, because they were not getting the information that was solving their curiosity.

Ms. Mallek also said that Steve Williams suggests that Berkmar Drive Extended be put into the six-year plan, adding that the County should ask for everything on the list.

Mr. Snow said that the State said they could design the bridge but is not in the position to build another road.

Ms. Mallek said, it would depend on how much they want the bypass. We have got to be strong and tough on this for once.

Mr. Thomas agreed with Ms. Mallek.

Ms. Mallek also asked about the funding for Hillsdale and moving it up to 2012, as 2016 is not good enough.

Mr. Boyd and Mr. Thomas said two years.

Mr. Snow said that the state indicated today that because the studies have been done, Hillsdale would be started before Belmont Bridge.

Ms. Mallek asked about item number 4 that Mr. Rooker proposed, the 29/250 Bypass interchange improvements.

Mr. Rooker indicated that is part of the Route 29 widening project.

Mr. Thomas asked Mr. Rooker for clarification on item number 4 from Mr. Rooker's list.

Mr. Rooker clarified that it is the Best Buy additional ramp, the acceleration lane, and the lane from Hydraulic down to the 250 Bypass. He said that it is funded, but the concern that the money sometimes gets moved and often you think you have a project funded and then you do not have it.

Ms. Mallek said that some detail spelling that out would be helpful.

Mr. Snow said it was a City project.

Ms. Mallek clarified that it has been taken over by VDOT.

Ms. Mallek also asked about the interchanges on the bypass, and asked if it was necessary to stipulate that they will not be put on the bypass.

Mr. Snow said that interchanges are not going to happen, that they already raised that question.

Mr. Rooker stated that there is concern about interchanges over Ivy Creek and the reservoir.

Mr. Thomas said he would rather not put language in to restrict it.

Ms. Mallek said it would be end to end, with no interruptions, and Mr. Snow said that it would have no interruptions.

Mr. Thomas said he was interested in them, but the State turned him down the first time he asked for them.

Ms. Mallek stated that there have been far more people speaking out against the bypass going forward than in favor of it, including public speakers and emails from citizens. She said the Board members that support the bypass have a monstrous amount of effort behind you to say "The community is not going to go for this unless this whole list is delivered."

Ms. Mallek added that tonight's meeting provided evidence of people doing their civic duty and coming out to express their opinions, most of which were against the bypass.

Mr. Dorrier said that maybe Tom Foley could put together a presentation.

Mr. Foley stated that this is more in the MPO's hands now, and Mr. Davis could probably clarify that.

Ms. Mallek said that she would like very much to see the draft long before it gets ready to be voted on.

Mr. Thomas said as soon as he gets the resolution draft he would get it to everybody. He said he should be getting it tomorrow.

Ms. Mallek pointed out that Jim Utterback was completely in the dark when this started. Mr. Utterback told Ms. Mallek that just like the military, the guys at the top make the decisions. She added that that is why it is so important that everyone does their homework, and it will be interesting to see how other localities react to this at the CTB given that it will siphon away money from their projects.

Mr. Rooker mentioned that the Culpeper Chamber of Commerce sent a letter to the Governor asking him not to fund this project because they said it is not a good project, as studies indicate, and they do not like the fact that money is being taken away from other projects.

Mr. Rooker said that everything on the wish list combined costs a whole lot less than the bypass, adding that Berkmar would carry more traffic than the bypass. He also stated that combined with Hillsdale, they would take more traffic off Route 29 than the bypass.

Mr. Snow said it makes one wonder if any traffic will be on Route 29 when all of the projects are completed.

Mr. Rooker said there were solutions here that were a lot less expensive that would have taken at least as much traffic off, and that did not have the community impacts that that road has.

Ms. Mallek stated that she hopes the County has regained the high bar as far as community and public process, and would do its best to keep the order as public comment first, then vote. She emphasized that the most grievous assault mentioned was the lack of public input prior to the vote.

Mr. Boyd commented that it is very important to maintain the quality of life for the people in Forest Lakes and Hollymead. He said it is important to design the northern terminus in a way that does not impact the homes in that area. Mr. Boyd commented that VDOT has said they could do that. He noted that it is in Mr. Rooker's resolution.

Mr. Snow said that Mr. Boyd asked him and Mr. Thomas to discuss the northern terminus, and the State said they could make it part of the resolution.

Mr. Rooker stated that if it comes down to the point they are going forward with the bypass, as it still remains to be seen whether it will or not, the impact on schools needs to be minimized.

Mr. Thomas said he has a big note on that one.

Mr. Rooker also commented that people have been kept in limbo with the property they own, and impacts to them need to be minimized also.

Ms. Mallek asked if the State will try to avoid having to adequately compensate property owners through current legislation.

Mr. Rooker said that Mr. Davis could look into that to see if the timing will make any difference, because it does make a huge difference to the citizens.

Mr. Boyd said that the legislation is at least two or three years away.

Mr. Rooker pointed out that it would be on the ballot in November of 2012, and he is not sure of the effective date, adding that it is worth looking into, as the cost of roads like this get externalized instead of internalized.

Agenda Item No. 10. From the Board: Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 11. Adjourn.

With no further business to come before the Board, the meeting was adjourned at 12:24 a.m.

Chairman

Approved by Board

Date: 10/5/2011

Initials: EWJ
