

A special meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 27, 2011, at 4:00 p.m., in Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia, for the purpose of allowing Board members to discuss the Route 29 Bypass at the MPO meeting. This meeting was called by the Chair, Ms. Mallek,

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

ABSENT: Ms. Ann Mallek.

The Thomas Jefferson Planning District Commission Metropolitan Planning Organization Planning Board met and discussed the US Route 29 Western Bypass during a public hearing regarding amendments to the Long Range Transportation Plan and the FY09 to FY12 Transportation Improvement Program.

The following statement was made by Mr. Rooker at the meeting:

Mr. Rooker said that he serves on the Board of Supervisors, represents the Jack Jouett District and has lived in the community for more than 40 years. He stated that he has a conflict of interest statement on file with respect to this issue because he and his wife own a 7.1% interest in a lot in common with neighbors that might be impacted by this project.

Mr. Rooker said there are reasons why in 1990 Mark Warner voted against this road; he said the road was obsolete. There are reasons the last two Secretaries of Transportation and the last two Commissioners of Transportation spent a lot of time studying this project, and looking at all of the traffic models, and determined that it did not make sense to go forward with the project. In fact, Whit Clement, from Danville, was a major bypass proponent, until he spent time studying the route, the cost, its location and what it would do for traffic. There are reasons why the last two CTB members representing this district, including Mr. Davies, for eight years, and Mr. Rich, the current representative, do not support this project. There are reasons why the State did a \$1.5 million study of the Route 29 corridor which concluded last year and did not recommend building this road. In fact, the study indicated that it would no longer serve as a useful transportation corridor.

Mr. Rooker said the most recent VDOT estimate indicates that the road will take \$100 million of right-of-way; \$70 million of still unpurchased right-of-way. This is the biggest taker of property in the history of Albemarle County. For those who are interested in protecting private property rights, Albemarle will never have seen anything like this for taking of property.

Mr. Rooker said that the Albemarle County Board of Supervisors voted 4:2 to open this issue up and it did so based upon representations that there would be other projects that would be funded, and those would be preconditioned of moving forward with any vote on the bypass. That information was handed out at a Board of Supervisors meeting. Among those projects was the Berkmar Drive Extended. The information stated that due to the above, full funding for Berkmar Drive Extended is an essential aspect of the Western Bypass project because it maintains access to both U.S. Route 29 as well as Rio Road for the Forest Lakes/Hollymead area. This community does not currently have a commitment to fund; it has a letter from the Secretary of Transportation basically stating that he would support recommending funding for these projects. Mr. Rooker said that it is the MPO's duty to make certain that the conditions are in place in a way that cannot be legally wiggled out of. The MPO needs to make certain, before it moves forward, that if it changes the TIP, the language in that change puts a legal condition on the bypass that these other projects be funded. Otherwise, the MPO has no leverage going forward and the MPO would have given the state a blank check. The state can take funding from one project and put it to another project anytime it wants.

Mr. Rooker asked the members of the Albemarle County Board of Supervisors on the MPO to not vote tonight to move forward with this, to bring it back to the Board of Supervisors, and allow the Board to have a chance to see the letter, which by the way he has not seen yet, nor does he think other members of the Board have seen. This is a County project. He asked that they make certain they are not rushed into making mistakes. He asked that they make certain if this project is going to go forward that they get the right legal advice, get the right wording and then move forward in a way in which the community is protected including the schools and neighborhoods which both Mr. Thomas and Mr. Snow indicated they would seek to project. There is nothing in this letter about protecting the County's schools.

Under Additional Matters From the Public, the following statement was made by Mr. Rooker:

Mr. Rooker said that individuals can certainly have differences of opinion about the bypass, and whether it is good or bad for the community. Arguments can be made both ways. He has made arguments on one side for a long time, but that does not have anything to do with how you go about making your decisions. He said that he has never participated in a body that has moved forward the way this body has moved forward tonight. It makes him ashamed for the community. He has served on the Board of Supervisors for ten years and he served on the MPO for ten years. It is not about whether or not you support the bypass.

Mr. Rooker said that it is unbelievable that this body would take a letter that comes in at 3:30 p.m., that nobody has had a chance to read even on this body, nor in the public, refuse to allow 30 days for all of the Board members to familiarize themselves with, to determine whether or not there should be conditions put in the ultimate amendment to the TIP and to make certain that whatever conditions you think you have got are actually performed. It is the utmost of arrogance. He has never served with any people who did this kind of thing and it makes him ashamed. Mr. Snow previously stated that this was his resolution, yet it starts out with "Rodney, as we discussed today, here are the MPO priorities for funding the Six Year Improvement Program for your consideration and your discussion with Commissioner Worley." On this list which you handed out, it says "Berkmar Drive Extended - due to the above full funding for Berkmar Extended, it is an essential aspect of the Western Bypass project because it maintains access to both U.S. Route 29 as well as Rio Road for the Forest Lakes/Hollymead area. Whether or not Berkmar can be connected to the Western Bypass funding for Berkmar Drive Extended all the way from Hilton Heights to Hollymead Towncenter should be included in the Six Year Program." This is what Mr. Snow handed out and said at the Board of Supervisors meeting that he was going to pursue; he did not have the authority to single-handedly go out and bind Albemarle County.

Mr. Thomas commented that letter in which Mr. Rooker is referring was put together by Mr. Williams and then re-edited by himself (Mr. Thomas).

(Note: Other than as members of the MPO, no other members of the Board of Supervisors made comments at this meeting.)

No actions were taken by the Board of Supervisors.

At 9:16 p.m., the MPO meeting was adjourned.

Chairman

Approved by the Board of County Supervisors
Date: 09/07/2011
Initials: EWJ