

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 7, 2011, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann 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, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the Chair, Ms. Mallek.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek asked Mr. Foley to clarify changes to the agenda prior to Board members making their suggestions.

Mr. Foley stated that Agenda Item #5c "Proclamation recognizing September 21, 2011 as International Day of Peace" has been added to the regular agenda. Consent Agenda Item #7.10 "Downtown Crozet Wetlands Project" has been moved to Agenda Item #21 on the regular agenda. In addition the Board needs to adjourn to September 13, 2011, 3:00 p.m., City Space, for a joint meeting of the four Boards to discuss the Water Supply Plan. Finally, the Board will be meeting on September 14, 2011, 4:00 p.m., for a work session on capital financing.

Ms. Mallek said she has provided Board members with a proposed resolution on the Route 29 bypass to be discussed after VDOT's update by Mr. Utterback.

Mr. Boyd asked if the items on Cool Counties and the Route 29 Bypass would allow for public comment, or if people would need to speak under "Other Matters."

Ms. Mallek said that given the number of people who have signed up to speak, she thinks it would be appropriate from them to do so under "Other Matters."

**Motion** was offered by Ms. Mallek to adopt the final agenda. 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.

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Agenda Item No. 5. Recognitions.

Item No. 5a. Proclamation recognizing September 2011 as Truancy Month.

Ms. Mallek read the following proclamation recognizing September 2011 as Truancy Month and presented it to Ms. Debbie Chlebnikow:

#### PROCLAMATION

**WHEREAS,** the Charlottesville/Albemarle Juvenile Justice Advisory Committee (JJAC) is charged with convening stakeholders to study local juvenile justice practices; and

**WHEREAS,** the JJAC develops and implements strategies to prevent delinquency and promote accountability and rehabilitation; and

**WHEREAS,** truancy has long been identified as an educational, social and juvenile justice issue worthy of public and private attention; and

**WHEREAS,** the JJAC has identified truancy prevention as an area of focus in its efforts; and

**WHEREAS,** Truancy Prevention Awareness Month will encourage and promote daily school attendance;

**NOW, THEREFORE,** I, Ann H. Mallek, Chair, on behalf of Albemarle County Board of Supervisors, do hereby recognize **September, 2011 as**

#### TRUANCY PREVENTION AWARENESS MONTH

in the County of Albemarle, Virginia, and call this observance to the attention of all our citizens.

Ms. Chlebnikow said that JJAC has identified truancy as a very important issue that affects everyone in the community. She thanked the Board for recognizing September as Truancy Month.

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Item No. 5b. Proclamation recognizing October 2011 as Domestic Violence Awareness Month.

Ms. Mallek read the following proclamation recognizing October 2011 as Domestic Violence Awareness Month and presented it to Ms. Robin Goldstein:

**PROCLAMATION**

**WHEREAS**, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

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

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

**WHEREAS**, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

**WHEREAS**, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

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

**WHEREAS**, for 32 years, the Shelter for Help in Emergency has led the way in the County of Albemarle and five surrounding communities of Planning District 10 providing unparalleled services to women, children and men who have been victimized by domestic violence. These services include 24-hour crisis hotline, safe shelter, case management and support services, legal advocacy, information and referral and safety planning; and

**WHEREAS**, in 2011, in Albemarle and the five surrounding counties of Planning District 10, the Shelter for Help in Emergency offered 24-hour intervention and referrals in response to 801 hotline calls; safe shelter to 115 women and 102 children, for a total of 3,981 nights; over 4,000 hours of advocacy and counseling; including advocacy services to 134 women who did not stay in our residential facility; provided information and educational materials to over 10,000 members of the community; with support from 7,500 volunteer hours;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that I, Ann H. Mallek, Chair, on behalf of the Albemarle County Board of Supervisors, do hereby proclaim the month of **October 2011** as **DOMESTIC VIOLENCE AWARENESS MONTH**, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

Ms. Goldstein thanked the Board for recognizing October as Domestic Violence Awareness Month. She announced that the Shelter for Help and Emergency would be holding a silent vigil on October 3<sup>rd</sup> at Jackson Park at 7:00 p.m. She also stated that they have brown bag lunches every Wednesday from 12:00 to 1:00 p.m. at the SHE offices.

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Item No. 5c. Proclamation recognizing September 21, 2011 as International Day of Peace.

Ms. Mallek read the following proclamation recognizing September 21, 2011 as International Day of Peace and presented it to Mr. Robert McAdams:

**PROCLAMATION**

**WHEREAS**, the International Day of Peace has been recognized and celebrated by millions of people worldwide since it was started by a United Nations resolution almost thirty years ago; and

**WHEREAS**, many civic organizations and religious congregations in our community have formed a coalition to both celebrate the International Day of Peace and to challenge our community to envision peace and non-violence in our society; and

**WHEREAS**, the benefits of peace and non-violence in our community include greater personal and communal well-being, greater public safety, and greater effectiveness in the resolution of disagreements;

**NOW, THEREFORE**, I, Ann H. Mallek, Chair, on behalf of Albemarle County Board of Supervisors, do hereby recognize **September 21, 2011** as the

International Day of Peace

in the County of Albemarle, Virginia, and call this observance to the attention of all our citizens.

Mr. McAdams thanked the Board on behalf of the many civic organizations and congregations that have been working on this challenge to envision peace in the community. He also asked the Board to communicate this resolution to any sister municipalities with whom they have a relationship around the world. He stated that there would be a celebration of the International Day of Peace on Wednesday, September 21<sup>st</sup>, at the Burley Middle School Auditorium, at 7:00 p.m.

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Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Emerald Young, on behalf of the Piedmont Sierra Club, as its Transportation Chair, stated that she was present to express their opposition to the Route 29 Bypass. The reasons for opposition are: exclusion of the public, health risks, risks to the water supply and financial risks. She emphasized that she wants to clarify that this is a fight between the forces that want to privatize the public sector and the public. Ms. Young said that the business party #1 is the Republican Party, with the business party #2 being the Democratic Party – with #1 having “a more accelerated pace of privatization.” The Route 29 bypass is an example of such a project where private interests work through elected officials to push through ill-conceived expensive and badly designed public works. It doesn’t matter if it doesn’t work because whoever is going to build it is going to get paid.

Ms. Young said that she distributed to the Board a letter she had submitted to the Louisa County Board of Supervisors suggesting that they petition the Governor to transfer some of that omnibus money to the repair of their damaged schools and to fortify the dangerous nuclear North Anna reactors. That is a better use of public funds than pushing through ill-conceived projects. She said that she expects public officials to protect her from these types of projects.

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Mr. Bill Tomlin, a resident of 2855 Earlysville Road, said he lives about 3,000 feet from the new Rockydale Quarry mining operation. Mr. Tomlin stated that he and his neighbors have presented a petition to the Board, with about 40 people objecting to the quarry because of its noise levels and the blasting effects on their homes and wells. He said that he has worked with the Mr. J.T. Newberry of the County Zoning Department who has taken three separate readings at his house. He has been working with Mr. Vernon Harris on the blasting issue. Mr. Tomlin also said that on August 2, 2010 his house was jolted to the point it felt like a 4.0-5.0 magnitude earthquake, and it took him about a month to discover he had an active mine behind his house. He stated that he has been working on this with Mr. Thomas and would continue to work on it until they can find a resolution. He asked the Board to review the County’s noise ordinance as it needs to have new limits. Mr. Tomlin added that he has also been working with Delegate Rob Bell on having limits for the blasting, noting that it has an impact on property values and the environment.

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Mr. Charles Battig presented a power point presentation entitled “A Cool County” (copy on file in the Clerk’s office). Mr. Battig said that the James City County Board of Supervisors dropped ICLEI membership last month and a dozen other counties across the U.S. have also withdrawn. Mr. Battig presented “an actual document” with scientists who disagree with the principle of climate change. He presented a graph depicting over 10 years showing that carbon dioxide is increasing but temperature is actually going down. He said that if the entire state were shut down to nothing right now for 50 days, the rest of the world would still surpass Virginia in greenhouse gas emissions. Mr. Battig stated that Cool Counties is “an obsession with carbon emissions out of touch with the real world’s need for reliable and low-cost electricity based on the unproved notion that manmade carbon dioxide is a prime driver of climate.” He also said that hurricane activity has actually been declining even as CO2 has gone up. In 2011 it is all about “clouds, cosmic rays and climate and not CO2.” Mr. Battig asked the Board to rescind its membership in Cool Counties. He stated that people are not uninformed to energy costs. They make their individual energy use decisions based on their individual needs and resources. If emissions go up, it might well be an indicator of increased economic activity; much needed in Albemarle County as only eleven new jobs were created in the County and City in all of 2010.

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Mr. John Cruickshank addressed the Board, stating that he came before them five years ago to urge them to sign the U.S. Mayors Climate Protection Agreement. He said that 1,330 community members had signed the Sierra Club petition asking the City and County to take this important step to ensure a healthy future for our country and the planet. He stated that the people of Albemarle were very proud when the Board signed the agreement and a year later adopted the U.S. Cool Counties Climate Stabilization Declaration, which led to the County’s participation in the Charlottesville Citizens Committee on Environmental Sustainability and the Local Climate Action Planning Process. Mr. Cruickshank said that significant progress has been made in lowering energy costs, reducing greenhouse gas emissions and improving air quality. He stated that during the past five years, the certainty of climate change has been confirmed – and 97% of climate scientists worldwide believe that human actions are contributing to the overall rise in global temperatures. Mr. Cruickshank stated that we also know that burning fossil fuels is polluting air and water supplies and threatening the health of people. During these same years the oil

and coal lobbies have spent millions in the U.S. to undermine climate science. He said that their long-term viability will be challenged by a conversion to cleaner forms of energy such as wind and geothermal, and energy efficiency and conservation may well reduce their profits – but with their unlimited money and lobbyists the fossil fuel industry has done everything possible to politicize science.

Mr. Cruickshank said the pressure to reject established climate science has now reached the local level. He encouraged members of the Board to keep their word and remain in the Cool Counties program – a nationwide program that originated in Virginia. He stated that the Board made the correct decision in 2007. He said that he hopes the Board has the courage to confirm that commitment today. To do otherwise will cause Albemarle to lose credibility and will undermine the important work of the Local Climate Action Planning Process.

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Mr. Gerry Sackett said that in 2002 his daughter was in a collision at the intersection of Route 762 (Rose Hill Church Lane) and Route 732 (Milton). Mr. Sackett said that fortunately the colliding vehicle was hit behind the driver's door, but she could have been killed and his grandson was also in the vehicle. He stated that the problem is both of those roads are rising to the stop and the visibility lines are terrible. Mr. Sackett reported that he made a detailed study shooting site lines and computing the amount of fill it would take to level Rose Hill Church Lane at the stop sign and submitted it to VDOT in 2002. He presented to the Board a full record of that including a copy of a letter from VDOT expressing their approval of this idea. He also said that copies were sent to Mr. Dorrier and Mr. Juandiego Wade, and that was supposed to have put it in the Six-Year Road Improvement Plan – but it is been nine years and now he has received word that VDOT is proposing to pave Rose Hill Church Lane. This kind of waste just makes him mad – to pave the road before you do the improvement to the intersection – and so he would like to get that moved forward. He said he met yesterday with a representative of Monticello, which owns all sides of the intersection, and they would support it. Mr. Sackett stated that he also has a petition that is a redo of the petition he started in 2002 when he presented it to Mr. Whit Clements, who was Secretary of Transportation at that time.

Ms. Mallek noted that VDOT would be here later in the meeting, and she would bring it up at that time.

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Mr. Francis Fife addressed the Board, stating that he has a letter from Mr. George Larie in which he points out the “huge discrepancy” in the cost of building the Western Bypass per vehicle served compared to the Hillsdale Drive Extended and Berkmar Drive Extended – both of which would do a great deal more for the traffic situation and at much less cost. Mr. Fife stated that it would be to the Board's great credit if it would reconsider doing the Bypass, but supported doing these other improvements and see what happens, as it may obviate the Bypass.

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Ms. Nancy Goodrich addressed the Board, stating that she has written an open letter to the Governor regarding the bypass:

“Dear Governor McDonnell: It is the understanding among many of us here in Central Virginia that your administration is strongly supporting the construction of a bypass for Charlottesville. No doubt you have agreed to support this particular bypass design because you've been led to believe that it's good for our community and will provide a much needed way around our town for travelers heading north and south on Route 29. Sounds good, indeed; who could be against it? Well there are many of us against it, right here in Central Virginia. Because I am a Republican and formerly a volunteer in the campaign for your election, I want very much to give you the benefit of the doubt in your giving this plan your stamp of approval. I don't believe that anyone has probably ever really gone into detail with you about this bypass design. You're very busy, extremely so, and much leave such things to others – but you should know that this design is an old and very tired proposal which had been turned down years ago by our local leadership for very solid reasons. Its' negative impact on a highly developed, close-in area of schools and neighborhoods and reservoir has been well-researched and documented. It is not a bypass in the true sense of the word; it is simply a six-mile parallel express lane for Route 29. Destined to be a \$300 million mistake, it is one we urge you not to make - six miles of highway at \$50 million a mile. Yet in five years from its completion there's bound to be still an overwhelming and even greater need to build a real bypass out of the way, far away, from the center of our town. I urge you, Governor, to insist on knowing the full story. Thank you so much. Respectfully submitted, Nancy Goodrich from Albemarle County.”

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Mr. Morgan Butler speaking on behalf of the Southern Environmental Law Center, said that the SELC was very disappointed to learn that the Board's interest in tightening up important language in the TIP entry for the Route 29 Bypass has apparently dissolved between their last meeting and this one. This summer, he said, members of the Board promised County citizens that they would only vote for the bypass if they received firm commitments from the State toward a set of other key projects. At the its' last meeting, the Board seemed to have consensus that several of the commitments made in the State's last minute letter to the MPO were not very clear. He stated that since that was the same language that was then incorporated into the TIP, the Board acknowledged it was worth considering revisions to the TIP that would clarify the Board's expectations and strengthen the conditions on the County support for the bypass.

Mr. Butler said that as the Board discussed last month, one of the biggest question marks surrounds Berkmar Drive Extended, a top priority in the Places 29 Master Plan. He stated that the public was promised that building the bypass would advance Berkmar because a bridge for the bypass would be designed and engineered to also serve Berkmar, however, all the State agreed to do was come up with a

conceptual design that shows how building the bypass “does not preclude Berkmar from being built.” Mr. Butler said that is a far cry from designing the bypass bridge to serve Berkmar and it is hard to see how Berkmar has been advanced in any way. He urged the Board to spell out much more clearly how it would be advanced and put that language into the TIP, as well as seeking stronger funding commitments for other projects such as Hillsdale Drive Extension and the Belmont Bridge. Mr. Butler said that the County Attorney has indicated that the only way to make these commitments stick is to condition their support for construction funding of the bypass on the commitments actually being met. SELC urges the Board to not abandon this effort to strengthen the TIP and to make sure the promises it made to County citizens are kept.

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Mr. James Pierce addressed the Board as Executive Director of the Boys & Girls Clubs of Central Virginia, stating that their top three priorities are: on-time graduation, promoting healthy lifestyles and fostering service to the community. Mr. Pierce said that in Albemarle they run one school-year site at Jack Jouett, one comprehensive year-round site at the Southwood Community, and one day college prep program at Monticello High School. He stated that at their clubs, 60% of the kids qualify for free or reduced lunch, and over 500 kids participated in homework completion, with 53% from single-parent households. Mr. Pierce noted that the program runs until 7:00 p.m. after school and at Southwood is open full-time during the summer and during school breaks, until 7:30 p.m.

He said that the reason he is here today is to remind the Board of the impact of the Boys & Girls Club in this community, to thank them for their partnership, and to highlight a few people and departments who have helped. Mr. Pierce said that Colin Powell put it best when he spoke on the occasion of opening a new club: “we can either put our community resources into proactive programs like the club, or we can spend it building prisons, where the average cost of incarceration is now over \$40,000 a year”. He noted that the average cost for supporting a child at the club for an entire year is about \$2,000 – which provides about 1,300 hours of responsible adults having a positive impact on young people ages 6-18. Mr. Pierce added that the program meets the after-school and summer needs that often go unmet in these difficult times. Many parents say that having a reliable and positive program for their kids during the summer and school year keeps them from having to take on extra jobs and allows them to be together more as a family.

He stated that the 30 kids in the Sea Quest program at Monticello High School have a 100% college acceptance rate, noting that the program helps them with applications, financial aid forms and taking SAT prep courses. Mr. Pierce said he cannot thank Dr. Moran and Col. Sellers enough, so he would come back another day to talk about their help and involvement. He also stated that on September 18th there would be a cycling challenge, with 300 cyclists in Western Albemarle riding for the benefit of the Boys & Girls Club. This is the sixth year of the cycling challenge.

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Ms. Ann Carter, a resident of Rose Hill Church Lane, mentioned the petition Mr. Sackett presented. The residents are excited that pavement is scheduled to start next week. The petition was signed by several residents of the neighborhood, but they were unaware that the petition requested a deference of the pavement of the road. Ms. Carter stated that the suggestion of the community is that they would continue to proceed with the paving of that road, and then add the part of raising the road to a later part of the proceedings with that project. She reiterated that she is present to support paving the road and expressed thanks to the Board for getting the road on the list.

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Ms. Rebecca Foster addressed the Board, stating that she is a County resident and adding her voice to the opposition about the bypass. She said that a bypass is perhaps necessary, but the other projects Mr. Fife mentioned should be tried first – adding that the bypass project is “a boondoggle,” “a pig in a poke,” and is being shoved down their throats while moving further and further from the control of the community. Ms. Foster stated there was a rush to approve something that was already outdated and then suddenly it was going to be redesigned – but the question is by whom – an unofficial committee or contractors who are now putting in bids on budget and design. It really gets further and further from the community. She pointed out that a huge ugly scar on the County’s landscape is not good for business, since the beauty of the County is one of the main attractions. She is opposed to the bypass.

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Ms. Cynthia Neff, a County resident, said that today is one of the more important Board meetings they will have – given that they will be discussing two items that will determine how progressive and enlightened the community is: the bypass and Cool Counties. Ms. Neff said that it is unfortunate in 2011 for them to be having a debate with “the flat earth society” about whether they need to do things voluntarily to try to maintain sustainability and do the right things, adding that the Chamber of Commerce, Better Business Bureau have a whole sustainability effort going on that is voluntary and is just good business. She would hate to see the County move away from a sustainability program like Cool Counties.

She stated that there is so much angst in the community about the bypass, and as the SELC points out there is nothing in writing – and as a member of the Places 29 Advisory Council she is offended that the item has never been brought up there for discussion. Ms. Neff suggested that rather than engaging one district’s citizen group to study this that a citizens’ advisory council be put together, adding that she hopes everyone read George Larie’s letter to the editor yesterday. She again encouraged the Board to remain in Cool Counties and take a pause on the bypass process to try to do the right thing for County citizens and keep this community what it is.

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Mr. Otto Bates, a member of the Rose Hill community for 40 years, stated that he is against the petition Mr. Sackett has distributed against the paving of the road as delaying it any longer would be “a slap in the face at this time.” He thinks elevating the road should be done as a separate project. Rose Hill Church Lane needs to be paved.

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Ms. Pauline Johnson addressed the Board, stating that she is also against delaying the paving of Rose Hill Church Lane – as she has been waiting more than 40 years for it. She appreciates the Board moving forward with this project.

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Mr. George Larie, a County resident, said that he wanted to hit the highlights of his recent letter to the editor: Is the bypass cost effective? He said that the Board in February passed the Places 29 plan, and have now thrown it out and gone to a completely different plan. Cost effectiveness - the bypass would take approximately 14,000 cars per day off Route 29 at a cost of \$250 - \$300-million or \$18,000 per car per day; the Meadow Creek Parkway would cost about \$41 million or \$2,400 per car per day; the Hillsdale Drive Extended to Airport Road would cost about \$24 million or \$2,000 per car per day; Berkmar Drive would pull 20,000 vehicles per day off Route 29 at a cost of \$38 million or \$1,900 per car per day. He stated that the Places 29 plan will remove much more traffic off Route 29 than the Western Bypass and will cost less than one-half of the bypass. Mr. Larie asked if, in this age of fiscal restraint, building the road for political reasons makes common sense. “Clearly the answer is ‘no.’”

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Mr. Milton Moore, a resident of the County for 23 years, said that he finds it interesting that Mr. Boyd claims his committee for input on the northern terminus of the bypass isn't political – as everything done up to now has been political. It is what you are selling and how you do it that is important. Mr. Moore stated that Mr. Boyd held a press conference then confined meetings to those in his district, but all citizens are concerned about the entire bypass – including the northern terminus. Mr. Moore said that the meeting was going to be closed but is now open – although he has not seen any announcements of times – and Mr. Boyd did not involve the entire Board of Supervisors or the MPO. He stated that in the past the MPO established the Citizens Design Advisory Committee to provide input on all phases and parts of the bypass, with a VDOT representative serving as a member of that committee. Mr. Moore stated that he attended nearly every meeting they had, and the DAC “was not owned by one Board of Supervisors member whose motivation was reelection.” Hopefully the MPO will form a Design Advisory Committee that is open to the public, which will provide input on every inch and input on the bypass. He also said that an updated environmental impact statement is essential before the bypass goes out for bid on a design-build process. He asked why this Board does not insist on that.

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Ms. Amanda Rose, a resident of Rose Hill Church Lane, said she is very upset that Mr. Sackett brought the petition forward against paving. Paving this road will help the values of their homes and help during emergency situations. Ms. Rose said that she understands the danger at the top of that road, but asked why Mr. Sackett did not bring this issue before the Board at an earlier time. She encouraged the Board to move forward with the paving.

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Mr. David Blount addressed the Board, stating that this is one of two meetings in which he would discuss the regional legislative program. He will be visiting all the regional local governing bodies in September, will be drafting the program and forwarding it to the Board in October, and then come back in November to discuss the program and seek the Board's approval. Mr. Blount said that he has been able to work over the last several months with staff and would be incorporating new items into the regional program.

Mr. Blount said that state and local economies are still facing challenges, and the state will be exercising a lot of restraint when they develop the two-year budget during the 2012 General Assembly. He mentioned the public education re-benchmarking – a \$300 million proposition for the state, dramatic increases in VRS and perhaps Medicaid, and continued pressure to fund health and human services, public safety, etc. Mr. Blount said that the notion of the state pushing down secondary road construction and maintenance to localities would also be a focus, as well as some looming environmental issues. He asked that if the Board has any other items it wants to include in the program, to get those to him in the next couple of weeks for review.

Mr. Rooker pointed out that if the devolution goes in the direction of providing localities an amount of money to assist them in maintaining roads, the result has always been that the funding does not increase as costs increase – so the locality ends up bearing that cost.

Mr. Blount agreed, noting that later on down the road the state will change the rules and perhaps put it all off on local government.

Ms. Mallek said that there is inefficiency in having each locality having a small department instead of having the state run the depots on a regional basis.

Mr. Blount pointed out that when they have the annual legislative forum this fall, the devolution issue would be the focus.

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Ms. Audrey Welborn, a 40-year resident of the County, said that she is against the County's involvement in Cool Counties as it is unrealistic to set a goal for an 80% reduction in emissions by 2050. Ms. Welborn claimed that from what she has read "this would take us back to the 1800s or early 1900s." She also said no one wants to go backward with energy use, as people can always conserve and be good stewards of what they have – but these emission standards are way too drastic. She also expressed concern with the involvement of Cool Counties and ICLEI, adding that she feels the grants and everything involved with the TJPDC and Sierra Club is just another layer. Ms. Welborn said that global warming science doesn't support this and more and more revelations are becoming apparent that there's been a lot of faulty science involved with this. She encouraged the County to step back and take a look at this before they become involved in another similar program.

Ms. Welborn said that she supports the bypass because of the traffic and the heavy trucks on Route 29. She is pleased that the Board has taken the initiative to go forward with the bypass.

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Ms. Betty Sevacho addressed the Board, stating that she is a 25-year resident of the community and is a senior citizen who lives on a fixed income. She said that she is fiscally responsible with her budget and her resources. She said that she thinks Cool Counties is a huge mistake because she doesn't want government telling her how she can spend her resources and live her life. Ms. Sevacho explained that she is fiscally responsible with her resources because she recently put a water heater timer in, and said the control needs to be in the hands of the people and not have outside organizations telling them how they can live and spend their resources. She asked the Board to vote against Cool Counties.

Ms. Sevacho also thanked the Board members for moving forward with the Western Bypass, stating that the bypass helped Culpeper County, where she used to live. The bypass will do the same for Charlottesville. She asked for that they move forward with limited government, fiscal responsibility and free markets which will return power out of the hands of government and into the hands of the people where it belongs.

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Ms. Peggy Gilgis addressed the Board, stating that she is an Ivy resident and would like Albemarle to remain a Cool County as it is very important to be proactive and not reactive. Ms. Gilgis said that as human population explodes and energy demands increase there needs to be a plan of action to reduce carbon in the atmosphere. It is clear that the audience here represents an older generation that needs to take responsibility for the actions and decisions made today. Ms. Gilgis said that Cool Counties is for future generations and is "not about us." She added that Albemarle is a well-educated community of planners and doers. She asked that they keep Albemarle cool.

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Mr. Corky Shakelford, a County resident, said that he has heard lots of comments made about the bypass, but it is long overdue and anything to take trucks and through traffic away from six miles of Emmet Street/Route 29 is worth doing. He said that he hopes the Board will continue its' support of the bypass.

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Ms. Carol Thorpe addressed the Board, stating that the science of global warming is not settled. Recent information based on NASA's own terra satellite data discredits global warming models that are at the foundation of assumptions trumpeted by the Cool Counties initiative. She said that research published in late July demonstrates this, and the satellite data suggests that when the climate warms Earth's atmosphere is actually more efficient in releasing energy to space than models used to forecast climate change may indicate. Manmade climate change theory insists, she said, that warming caused by enhanced greenhouse gasses should change cloud cover in ways that should cause additional warming, but NASA terra satellite data showed the natural ebb and flow of clouds, solar radiation, heat rising from the oceans, and other factors make it impossible to isolate or accurately identify which piece of the earth's changing climate is feedback – if any – from human-made greenhouse gasses. Additionally, Ms. Thorpe said, evidence presented by Dr. Charles Battig proves that CO2 emissions trended upwards during the last 15 years, and global temperatures trended downwards. Up-to-the-minute science coupled with the rampant implosion of green energy economics – like those recently suffered by retailers like Wal-Mart should guide the Supervisors. She stated that the Board instead persists in placating local environmental organizations in an endless cycle of wasted time and taxpayer dollars. Ms. Thorpe asked for evidence that local County policies can significantly impact, let alone successfully change, the climate. She asked if it was really the role of this Board to educate people on common-sense energy-saving techniques. She asked if they honestly believe this is among the expectations of the majority of the people who elected them. In conclusion, Ms. Thorpe said that she supports reasonable conservation and responsible stewardship of our resources; however, she urges the Board to rescind participation in the Cool Counties initiatives. She asked the Board to focus on the pressing needs of the citizens that are within the proper role of the County Board of Supervisors.

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Mr. Jeff Werner, representing Piedmont Environmental Council, stated that on June 8th the community came in here and overwhelmingly expressed their support for Cool Counties and sustainability but Board members did not listen. It is about clean air and it is about saving money. If those are things Board members does not support, then he guess they should vote against them.

During the last couple of months, this Board has heard overwhelmingly from the community that they oppose the bypass, but Board members did not listen to that either. Mr. Werner said he is amazed at the number of fiscal conservatives who have come out in support of the bypass, adding that the \$200

million is coming from the State borrowing against future federal funding. That is what they keep hearing that fiscal conservatives are going to cut from Congress, so the question is who is going to pay for that \$200 million. When the project goes to costing \$250 million it will be curious as to where the State finds that money. It is a \$200 million project to bypass about four miles of Route 29, not six miles. Mr. Werner emphasized that the bypass will dump out south of NGIC, south of Hollymead, south of Northpointe and south of the airport. He asked what is the Board's plan for not having the same mess north of the bypass. He stated that in Places 29 there has been mention of grade-separated interchanges and closing several access points, but the Board was opposed to those things south of the bypass. Mr. Werner said that VDOT told the County that if they do not make improvements to local Route 29 – even with a bypass – they will have congestion and gridlock on the four-mile section they are bypassing. That is the heart of your commercial corridor. The whole reason this Board eviscerated Places 29, was its concern for the viability of that economic area – yet what is the Board's plan to fix it?" He stated that VDOT told them a bypass would not fix it, but VDOT did say that the County needed to fix Rio Road and Hydraulic Road, but Board members do not seem to want to do that.

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#### **NonAgenda.**

Mr. Rooker announced his intention to create a Jack Jouett Bypass Advisory Committee, as more than 50% of the bypass is located in the Jack Jouett District; six of the seven schools impacted are in the district; seven neighborhoods in the district are either bisected or are abutted by the bypass. Mr. Rooker said that Secretary Connaughton has indicated the State would enter into a design-build concept for the bypass, which would appear to have limited public input opportunities. He stated that there are a huge number of issues that will face the people in his district, and people there want to have a mechanism to provide input. The residents want to provide design suggestions to the extent they will still be entertained; they want to have input with respect to mitigation of impacts from the road, mitigation of impacts during construction, stormwater impacts before and after construction, and maintenance of access to neighborhoods where roads are being bisected in neighborhoods. Mr. Rooker said that the cut through Stillhouse Mountain would be the biggest cut made for a transportation project in the County other than the crossing at Afton Mountain, which was a non-residential rural area. He stated that there would be significant blasting and a huge amount of dirt removal with the project, thus impacting local streets, roads and neighborhoods. Because of all those things, and because Mr. Boyd decided to move forward with a separate committee for looking at the northern interchange, he said that he intends to appoint a committee of citizens to look out after these impacts in the Jack Jouett District – which will be hugely impacted.

Mr. Rooker also said that he spoke with Mr. Utterback about the approaches to providing public input and he said that consolidated input would be preferable.

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Ms. Mallek announced that on Saturday, September 17<sup>th</sup> the Monticello Heritage Harvest Festival, which is a conglomeration of local food and farmers and artisans, would take place on the lawn behind the main house.

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Agenda Item No. 7. Consent Agenda. **Motion** was offered by Ms. Mallek, **seconded** by Mr. Rooker, to approve Items 7.1(as read) through 7.9 on the consent agenda, to move Item 7.10 to the regular agenda; and to accept the remaining items for information. (Discussions on individual items are included with that agenda item). Roll was called and the motion carried by the following recorded vote:

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

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Item No. 7.1. Approval of Minutes: February 25, March 3, March 30, May 11, June 1, June 2, June 30, July 6, and July 27, 2011.

Mr. Boyd had read the minutes of February 25, 2011 and found them to be in order.

Mr. Thomas had read the minutes of March 30, 2011 and found them to be in order.

Mr. Snow had read the minutes of May 11, 2011, pages 1-39 (end Item #10), and found them to be in order.

Mr. Dorrier had read the minutes of May 11, 2011, pages 39 (begin Item #10) – end, and found them to be in order.

Mr. Rooker had read the minutes of June 1, 2011, pages 30 (begin Item #18) – end, and found them to be in order.

Mr. Snow had read the minutes June 2, 2011 and found them to be in order.

Mr. Dorrier had read the minutes of June 30, 2011 and found them to be in order.

Mr. Thomas had read the minutes of July 6, 2011, pages 1-42 (end Item #17a), and found them to be in order.

Mr. Boyd had read the minutes of July 6, 2011, pages 42 (begin Item #17a) – end, and found them to be in order.

Mr. Rooker had read the minutes of July 27, 2011 and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read. The remaining minutes were carried forward to the next meeting.**

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Item No. 7.2. FY 2012 Budget Amendment and Appropriations.

The executive summary states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of the requested FY 2012 appropriations itemized below is \$638,287.42. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of five (4) FY 2012 appropriations as follows:

- One (1) appropriation (#2012019) totaling \$192,000.00 for parking lot modifications at Stone Robinson Elementary School and Hollymead Elementary School;
- One (1) appropriation (#2012020) totaling \$250,028.10 for a Renewable Energy Resource Center at Henley Middle School;
- One (1) appropriation (#2012021) totaling \$3,032.50 for rental income and expenses related to the Old Crozet Elementary School; and
- One (1) appropriation (#2012022) totaling \$193,226.82 for various ECC items, including a maintenance contract, Computer Aided Dispatch Microcomputer replacement, salary increases resulting from reclassifications, resurfacing the ECC parking lot and replacing its HVAC system;

Staff recommends approval of the budget amendment in the amount of \$638,287.42 and the approval of Appropriations #2012019, #2012020, #2012021, and #2012022.

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<b>Appropriation #2012019</b>		<b>\$ 192,000.00</b>
Revenue Source:	School Fund Balance	\$ 192,000.00

This request is to re-appropriate \$192,000.00 in funding to construct satellite bus parking areas as approved by the School Board on May 26, 2011.

In FY 10/11, one-time operating funding was appropriated to be used to construct satellite bus parking in support of the Transportation Department's policy changes to reduce "deadhead miles" (the number of miles a bus must continue to travel after all children have been dropped off.)

The School Division completed the planning and design phase and began construction of the parking areas on June 13, 2011. The School Division is requesting \$192,000.00 to be re-appropriated in FY 11/12 to fund the completion of construction of the parking areas. The request will also transfer the funds from an operating account to CIP accounts to appropriately identify these expenditures. The majority of these funds, \$131,000.00, will pay for the Stone Robinson Parking Lot Modifications which will create 17 permanent bus parking spaces. The remaining funds will support the Hollymead Drop-Off Modifications which will create eight permanent bus parking spaces. The total cost of the construction at Hollymead is estimated to be \$298,000.00. The remaining money for this project will be provided by the CIP Maintenance fund.

<b>Appropriation #2012020</b>		<b>\$250,028.10</b>
Revenue Source:	Federal Grant Revenues	\$ 211,872.00
	School Self-Sustaining Fund Bal.	\$ 38,156.10

This request is to appropriate \$250,028.10 in Federal Revenue and School Self-Sustaining Fund Balance funding to open a Renewable Energy Resource Center at Henley Middle School as approved by the School Board on August 25, 2011.

Albemarle County Public Schools has received a grant from the Virginia Department of Mines, Minerals and Energy (VA Dept of MM&E) in the amount of \$211,872.00 through the Virginia Local Government and School Renewable Energy Utilization Program. These funds will be used to open a Renewable Energy Resource Center at Henley Middle School. The Center will include a solar photovoltaic system that will generate electricity and a solar thermal hot water system that will heat about sixty percent of the water used at Henley.

In addition to the VA Dept of MM&E grant funding, support for this project will be provided by Self-Sustaining Fund Balance monies which includes a Dominion Education Partnership grant in the amount of \$7,500.00, an Exxon Mobile Grant in the amount of \$750.00, a General Mills Box Top for Education donation in the amount of \$903.00 and from various donations in the amount of \$29,003.10.

The School Division's Building Services will also contribute \$30,000.00 from the CIP Environmental Compliance funds. (This is for informational purposes as this \$30,000.000 is not included in this appropriation request).

<b>Appropriation #2012021</b>		<b>\$ 3,032.50</b>
Revenue Source:	Local Revenue (Rent)	\$ 3,032.50

This request is to appropriate \$3,032.50 in rental income revenues to support costs of the Old Crozet Elementary School and is intended to be used to fund major capital replacements and repairs. The terms of the recently renewed leases with the Field School of Charlottesville and the Old Crozet School Arts (OCSA) resulted in an increase of \$3,032.50 in annual total rent revenues over the amount budgeted in FY 11.

<b>Appropriation #2012022</b>		<b>\$ 193,226.82</b>
Revenue Source:	ECC Fund Balance	\$ 193,226.82

This request is to appropriate \$193,226.82 for FY 11/12 Emergency Communications Center (ECC) projects from ECC's Fund Balance account.

At its meeting on August 16, 2011, the ECC Management Board approved the following appropriations:

- Maintenance Contract for the Fire/Rescue Paging System: The ECC installed a new paging system for Fire/Rescue Services for the County and the City. This appropriation request is for the maintenance contract for the new system for the first year, totaling \$16,980.00;
- Computer Aided Dispatch (CAD) Microcomputer Replacement: The CAD System microcomputers are in need of replacement. They were installed in 2005 and have been used continually around the clock since that time. Several have started experiencing problems with two failing recently. They are no longer covered by warranty. This appropriation request is for the replacement of all 15 workstations within the center, totaling \$25,755.00.
- ECC Compensation Re-Classification: The Albemarle County Human Resource Department began a classification/compensation analysis for ECC in November 2010. The study is now complete. One of the requirements of ECC's Accreditation process is that a classification/compensation analysis be conducted every third year. The reclassification was done to ensure that employees were correctly classified for the work they actually perform. This appropriation request is for the salary increases due to the reclassification for the period of October 1, 2011 through June 30, 2012, totaling \$70,491.82. After that, the cost of the reclassification will be added to the regular operations budget for the city, county, and university.

At its February 15, 2011 meeting, the ECC Management Board approved the following transfer of funds from the ECC Fund Balance Account for the following ECC CIP Projects for FY 2011/2012:

- Resurface ECC Parking Lot: This appropriation request is for the resurfacing and painting of the front and back parking lots at the ECC building, totaling \$60,000.00.
- HVAC System Replacement: This appropriation request is for the second phase of a five-year project to replace the HVAC systems within the ECC building, totaling \$20,000.00. The current units are 10 years old and ECC is starting to have service problems. The City Maintenance Department oversees ECC's HVAC maintenance and has recommended this course of action be carried out.

**(Discussion:** Mr. Rooker stated that one of the things in this amendment was replacement of ECC HVAC systems – stating that “the current units are 10 years old and are starting to have service problems.” He said he was surprised to read that, as most rooftop commercial units get 15-20 years of service today, and someone should look into why they are in need of replacement and ensure that they do not make another purchasing mistake this time around.)

**By the above-recorded vote, the Board approved the FY 2012 budget amendment in the amount of \$638,287.42 and the approved Appropriations #2012019, #2012020, #2012021, and #2012022.**

							<b>APP #2012-019</b>
							<b>DATE 08/03/2011</b>
							<b>BATCH NAME</b>
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Appropriations from School Board meeting on May 26, 2011							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	2000	62000	351000	510100	6599	192,000.00	Fund Balance
4	2000	62433	464600	930004	6599	192,000.00	Transfer to Schools CIP

3	9000	51000	351000	512001	9999	192,000.00	Transfer from School Fund
4	9000	69980	466200	800675	6110	131,000.00	Stone Robinson Parking Lot
4	9000	69980	466200	800675	6105	61,000.00	Hollymead Parking Lot
<b>TOTAL</b>						<b>768,000.00</b>	

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<b>APP #2012-020</b>							
<b>DATE 08/03/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Appropriations from School Board meeting on August 25, 2011							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	3104	63104	351000	512001	6599	38,156.10	Fund Balance
3	3164	63164	333000	330224	6599	211,872.00	VA Dept of MM&E
4	3104	63104	460700	601300	6252	38,156.10	Solar Panels - Henley
4	3164	63164	462421	800621	6252	211,872.00	Solar Panels - Henley
<b>TOTAL</b>						<b>500,056.20</b>	

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<b>APP #2012-021</b>							
<b>DATE 08/03/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Old Crozet School Rent Adjustment							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	8610	15000	315000	150262	9999	3,032.50	Rental Income
4	8610	91081	496010	800666	9999	3,032.50	Old Crozet Sch Operating Maint
<b>TOTAL</b>						<b>6,065.00</b>	

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<b>APP #2012-022</b>							
<b>DATE 08/03/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> ECC Request 8/16/11: Maintenance Contract for the Fire/Rescue Paging System; CAD Microcomputer Replacement; & ECC Compensation Re-Classification							
<b>ECC Request 2/15/11: Resurface ECC Parking Lot and HVAC System Replacement</b>							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	4100	51000	351000	510100	9999	193,226.82	ECC Fund Balance
4	4100	31041	435600	332100	1003	16,980.00	Admin - Maint. Contract-Equip
4	4100	31041	435600	800700	1003	25,755.00	Admin - ADP Equipment
4	4100	31040	435600	110000	1003	38,107.82	Oper - Salaries (Re-class)
4	4100	31041	435600	110000	1003	3,052.00	Admin - Salaries (Re-class)
4	4100	31043	435600	110000	1003	8,924.00	EMD - Salaries (Re-class)
4	4100	31045	435600	110000	1003	3,062.00	Emerg Serv - Salaries (Re-class)
4	4100	31049	435600	110000	1003	8,300.00	City Fire Disp - Salaries (Re-class)
4	4100	31047	435600	110000	1003	9,046.00	Fire Disp - Salaries (Re-class)
4	4100	31041	435600	800675	1003	60,000.00	Resurface ECC Parking Lot
4	4100	31041	435600	331800	1003	20,000.00	HVAC System Replacement
<b>TOTAL</b>						<b>386,453.64</b>	

Item No. 7.3. Resolution to accept road(s) in Old Trail Creekside Subdivision into the State Secondary System of Highways.

**At the request of the County Engineer, by the above-recorded vote, the Board adopted the following resolution:**

WHEREAS, the street(s) in **Old Trail Creekside Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 7, 2011**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Creekside Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 7, 2011**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Mountain Path Terrace (State Route 1823)** from Mountain Path Drive (State Route 1821) south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3587, pages 482-495, with a 40-foot right-of-way width, for a length of 0.08 miles.
- 2) **Welbourne Lane (State Route 1820)** from Mountain Path Drive (State Route 1821) west to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3587, pages 482-495, with a 40-foot right-of-way width, for a length of 0.17 miles.
- 3) **Mountain Path Drive (State Route 1821)** from Mountain Path Terrace (State Route 1823) north to Mountain Path Court, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3587, pages 482-495, with a 40-foot right-of-way width, for a length of 0.06 miles.
- 4) **Mountain Path Drive (State Route 1821)** from Mountain Vista Lane (State Route 1822) north to Mountain Path Terrace (State Route 1823), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3191, pages 130-153, with a 40-foot right-of-way width, for a length of 0.08 miles.
- 5) **Welbourne Lane (State Route 1820)** from Old Trail Drive (State Route 1815) west to Mountain Path Drive (State Route 1821), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3191, pages 130-153, with a 40-foot right-of-way width, for a length of 0.23 miles.
- 6) **Mountain Path Court (State Route 1824)** from Mountain Path Drive (State Route 1821) south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3587, pages 482-495, with a 40-foot right-of-way width, for a length of 0.03 miles.
- 7) **Mountain Path Drive (State Route 1821)** from Welbourne Lane (State Route 1820) north to Mountain Vista Lane (State Route 1822), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3191, pages 130-153, with a 40-foot right-of-way width, for a length of 0.06 miles.
- 8) **Mountain Path Drive (State Route 1821)** from Mountain Path Court (State Route 1824) north to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3587, pages 482-495, with a 40-foot right-of-way width, for a length of 0.01 miles.
- 9) **Mountain Vista Lane (State Route 1822)** from Mountain Path Drive (State Route 1821) west to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3191, pages 130-153, with a 40-foot right-of-way width, for a length of 0.18 miles.

Total Mileage – 0.90

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Item No 7.4. FY 12/13 Operating and Capital Budget Calendar.

The executive summary states that the process of developing the County's Operating Budget for FY 12/13 and the Capital Improvements Program (CIP) for FY13-17 is underway. The proposed calendar is provided to the Board to establish firm dates for Board meetings and public hearings on the budget and CIP, and to provide the public with as much notice as possible for planned community meetings, public hearings, and work sessions related to the budget and CIP.

There are several dates in the budget presentation and approval process that are driven by state code requirements and are reflected in the attached calendar. The first is the requirement that the tax rate

be adopted by April 15<sup>th</sup> for localities with a first-half tax year collection in June. In addition, the Virginia Code requires that there be at least seven days between the public advertisement of the budget public hearings and the actual hearing dates, and at least seven days between the public hearing and the adoption of the budget. During the 2007 session of the General Assembly, legislation was enacted that requires localities to provide at least 30 days notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. In addition to these state requirements, the School Board has requested that the second public hearing be scheduled so that it does not coincide with Spring Break.

Attachment A provides a preliminary budget calendar for the FY 12/13 budget process that conforms to the Virginia Code requirements and meets the School Board's request. This calendar can be used if real estate tax levies resulting from the reassessment are less than 101% of the prior year's tax levies, as current projections indicate. If real estate tax levies resulting from the reassessment equal or exceed 101% of the prior year's tax levies, staff will make adjustments to the calendar.

Because it is unlikely that the 2012 reassessment will require the 30 day notice for the tax rate public hearing, staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A.

**By the above-recorded vote, the Board adopted the preliminary budget calendar as set forth in Attachment A:**

### **FY 12/13 BUDGET CALENDAR**

#### **August 2011**

5 Department/Agency/School CIP Project Justifications & Cost Data Due to OMB

#### **September 2011**

9 Operating budget manual and instructions available for County departments

#### **October 2011**

11-27 CIP Technical Review Team (TRT) Meetings  
12 Department Budget Presentations to Board of Supervisors (BOS)  
12 School Board/BOS Joint Work Session – Compensation/Benefits  
14 Department/office FY 12/13 budget requests due to OMB

#### **November 2011**

8 CIP Oversight Committee Meeting  
9 BOS Work Session – Five-Year Financial Plan – General Government  
10 BOS Work Session – Five-Year Financial Plan - Schools  
11 Community Agency applications due to OMB  
15 CIP Oversight Committee Meeting  
22 CIP Oversight Committee Meeting

#### **December 2011**

7 BOS Work Session – Five-Year Financial Plan  
14 BOS Work Session – Approve the Five-Year Financial Plan  
14 Joint meeting with BOS and School Board regarding CIP

#### **January 2012**

28 General Fund and Special Revenue Funds balanced

#### **February 2012**

24 Budget document distributed  
29 Public Hearing on County Executive's Recommended Budget

#### **March 2012**

5 Budget Work Session – General Government  
7 Budget Work Session – Schools  
12 Budget Work Session – CIP  
14 Budget Work Session – wrap up (if needed)  
28 Public hearing on BOS proposed budget and CIP  
28 Public hearing on the 2012 calendar year tax rate

#### **April 2012**

4 BOS adopts FY 12/13 budget & FY 13-22 CIP  
4 BOS sets 2012 tax rate

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Item No. 7.5. Fiscal Year 2012 Region Ten Community Services Performance Contract.

The executive summary states that each year, the Virginia Department of Behavioral Health & Developmental Services (DBHDS) requires Community Service Boards (CSBs) to enter into Community Service Performance Contracts for the delivery of certain services in their respective communities. Although Region Ten, as the designated CSB for Albemarle County, is the representative party to this

Contract, federal and state regulations require that local governing bodies approve the contract in order for the CSB to be eligible to receive funding.

Annual Community Services Performance Contracts between the DBHDS and CSBs delineate the responsibilities of the Commonwealth and the CSBs for the delivery of mental health, intellectual disability and substance abuse services in their respective service areas. These contracts describe sources of funding for the CSB, stipulate requirements for compliance with federal regulations and establish performance measures. Virginia Code § 37.2-508(D) requires that the local governing bodies that have established a CSB approve the Contract in order for the CSB to be eligible to receive state-controlled funds for identified services.

Staff has reviewed the proposed Contract and found no terms that are objectionable to the County. A copy of the FY 2012 Region Ten Performance Contract is available in the Clerk's Office for review.

In the past, the Board has expressed interest in receiving additional information on the Performance Measures that Region Ten reports to DBHDS. On December 1, 2010 representatives of Region Ten presented the Board with outcome data and demographic information and indicated that it would provide this data for the Board's use going forward. Attachment A offers broad demographic data on Albemarle County adults and children in care during Fiscal Year 2011 as summarized below:

- 1,265 Albemarle County citizens -- 937 adults (74%) and 328 children (26%) – were provided Mental Health, Intellectual Disability and Substance Abuse Services in FY2011.
- Of the adults served, 53 percent were female and 47 percent were male while 61 percent of all children served were female.
- 47 percent of all County residents served were treated for Mental Health illnesses (588) while 31 percent (398) were served for "Other" conditions (ie. emergency services, access/intake services). 13.4 percent were treated for substance abuse.
- Most adults, 82 percent, lived in a private residence while almost 30 percent were unemployed and 31 percent had completed high school.
- 55 percent of adults indicated their primary drug to be alcohol while 25 percent reported marijuana to be their primary drug.
- In terms of mental health services, 34 percent of all adults were being seen for Mood Disorders followed by 12 percent being under care for alcohol-related disorders.
- Approximately 59 percent of children served were currently enrolled in elementary school while another 22 percent had completed some level of high school.
- 153 children (47%) were being seen for Attention-Deficit and Disruption Behavior disorders while another 60 children (18%) were in care for Mood Disorders.
- 22 of the 29 children in care for substance abuse were being treated for marijuana addiction.

Following is summary of Region Ten's Outcome Measures for Fiscal Year 2011 as reported to DBHDS:

**Outcome #1: Minimize the time between first access appointment and first treatment appointment.**

- 73 percent of all individuals were seen for their first treatment appointment within one week of their access appointment.

Although this appears to be a decrease from FY10, Region Ten notes that the reduction was the result of a systems change with substance abuse consumers being assessed by outpatient services rather than central intake. This allowed outpatient services to decrease the time between access and first treatment appointments and therefore operate without a waiting list in FY11.

**Outcome #2: Individuals who began and ended mental health treatment in FY11 will either maintain or experience a positive change in their Global Assessment of Functioning (GAF) score and social connectedness.**

- 91% of individuals maintained or increased their GAF score. 80% maintained their GAF score and 11% increased their GAF score.
- Social connectedness data was collected from 154 individuals during the year; 98% (151) maintained or increased their number of social contacts within 30 days of their appointment.

**Outcome #3: Individuals who began and ended substance abuse services in FY11 will show a positive change in the number of arrests in past 30 days, and frequency of drug or alcohol use.**

- All of the 368 individuals surveyed indicated that they had no change in the number of arrests during their treatment.
- In a survey of 380 individuals, 99 percent (376) indicated no change or a positive change in primary drug frequency use.

**Outcome #4: Percent of children referred to the Assessment and Diagnostic Center who are placed in congregate care within 4 months of Assessment and Diagnostic services.**

- There were a total of 39 assessment and diagnostic consumers seen during FY11. To measure whether congregate care occurred within 4 months of discharge only consumers seen prior to April 1 were considered, leaving a total of 28 consumers. Of the 28 consumers, 7 were from Albemarle, 3 of the 7 remained at home, 3 stepped down to a

lesser residential placement, and 1 was placed in a residential placement within 4 months of their assessment and diagnostic service.

The County's FY12 appropriation for Region Ten totals \$575,226. Of this amount, \$462,931 is identified as "comprehensive services," including outpatient, case management, emergency, day support, residential, prevention and early intervention services for mental health, mental retardation, and substance use disorders and prevention. The balance of funding (\$112,295) represents the County's share of local programs funded by the City and County such as the Mohr Center, jail services, children services and early intervention grants for children.

Staff recommends that the Board approve the Fiscal Year 2012 Region Ten Community Services Performance Contract.

**By the above-recorded vote, the Board approved the FY2012 Region Ten Community Services Performance Contract.**

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Item No. 7.6. Set public hearing on ACSA-2011-00003, Arlin Martin -- Request to amend the Albemarle County Service Authority Jurisdictional Area for water service.

The executive summary states that Arlin Martin has filed an application requesting public water service for Tax Map 56, Parcel 80, an approximately 0.9 acre parcel zoned RA, Rural Areas, located in an area designated as Rural Area in the County's Comprehensive Plan. (See Location Map, Attachment A) This property is currently in the Albemarle County Service Authority (ACSA) Jurisdictional Area, with a designation for "water only to existing structures." (See Jurisdictional Area Map, Attachment B) The applicant wishes to replace the existing single family residence with a new home on the property.

The Comprehensive Plan's Land Use Plan provides the following concerning water service to the Rural Area:

*General Principle: Utilization of central water and/or sewer systems or extension of the public water or sewer into the Rural Area is strongly discouraged except in cases where public health or safety is endangered.*

*Recommendation: Only allow changes to the Jurisdictional Areas outside of the designated Development Area boundaries in cases where property is: (1) adjacent to existing lines; and, (2) public health or safety is endangered.*

In this particular situation the existing house is in a severe state of disrepair and the applicant wishes to replace it with a new single family home. Because the current designation only allows service to the *existing* structure, a new home could not be served. Due to the small size of the parcel (0.946 acres), it will be difficult to safely provide both private well and septic service to this parcel. The parcel is currently served by a septic system on-site. It should be noted that the applicant recently received approval of a variance (VA 2010-0004) to further reduce the size of this parcel by 0.106 acre, permitting a boundary line adjustment that transfers this acreage to the adjacent parcel (Parcel 80B), which is currently only 0.378 acres. This will reduce TMP 56-80 to a 0.84 acre parcel. A previous owner of TMP 56-80B received County approval for this boundary adjustment in 1976, but failed to record the plat.

The current "water only to existing structures" designation was placed on this property when the Board established the Jurisdictional Area maps and process in the early 1980s. Staff understands that the "service only to existing structures" designation was generally intended to recognize certain properties that were located outside the Development Area boundaries, but located adjacent to existing service lines, that were already developed in a more urban manner and/or already served by public water (or sewer). However, there is no documentation on file specifically noting the reason why this property has this designation.

While there is no well on the property, there is also no documentation of a health or safety problem with an on-site water source. However, as noted previously, the size of the parcel (either the current 0.946 acres or ultimate 0.84 acres) would make it difficult to provide a well on the property that would be adequately/safely separated from the existing septic system and home.

Staff can identify only one other case similar to this one for a property in the Rural Area. In that case a building eligible for service under a "water only to existing structure" designation and located on a two-acre parcel off of Georgetown Road was demolished because it was in a severe state of disrepair. The owners, not aware of the jurisdictional area restrictions, subsequently requested a new service designation in 2000 (ACSA Amendment Request, Barbara Flowers) when they decided to build a new house. Because the property was two acres in size, could not be further subdivided, and is located outside of a designated Development Area, making it not likely to be rezoned to a more intensive use, the Board approved a change in the Jurisdictional Area designation on this parcel to "water only to one structure."

Similarly, the applicant's property, while zoned RA, Rural Areas: 1) is less than one acre in size; 2) cannot be further subdivided; 3) is unlikely to be rezoned to a more intensive use as it is located in the Comprehensive Plan's Rural Area; and, 4) will be used for one residence, which was the intended service with the original Jurisdictional Area designation. As such, staff finds that a Jurisdictional Area designation for "water service to one single-family dwelling only" would be acceptable.

If the request is approved, the property owner will bear the cost to connect to an adjacent water line.

Staff recommends that the Board set a public hearing to amend the Jurisdictional Area boundary to provide "water service to one single-family dwelling only" on Tax Map 56, Parcel 80.

**By the above-recorded vote, the Board set a public hearing for October 5, 2011 to amend the Jurisdictional Area boundary to provide "water service to one single-family dwelling only" on Tax Map 56, Parcel 80.**

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Item No 7.7. Resolution to amend and readopt the Albemarle County Purchasing Manual.

The executive summary states that in 2001, the Board approved the initial Albemarle County Purchasing Manual. The Manual establishes the written procedures for the centralized County/School Division purchasing system, as authorized by state law. It also serves as a reference tool for staff involved in the purchasing process. Since 2001, the Virginia Public Procurement Act, on which the Manual is largely based, has been amended on several occasions. In addition, over time, staff has discovered inefficiencies in the current Purchasing Manual, as written. In an effort to keep the centralized Purchasing Manual up to date with the current Virginia Public Procurement Act and to improve the efficiency of purchasing practices, County and School Division staff are recommending certain revisions to the centralized Purchasing Manual.

The following revisions to the Purchasing Manual are recommended:

Summary

- Raise the small purchase limit for professional services from \$30,000 to \$50,000, following the 2009 amendment to *Virginia Code* § 2.2-4303(H).

Chapter 1

- Add definition of "service disabled veteran" to match 2007 amendments to *Virginia Code* § 2.2-4310.

Chapter 3

- Add a prohibition against discrimination based on status as a service disabled veteran, to match 2007 amendments to *Virginia Code* § 2.2-4310.
- Welcomes the participation of service disabled veterans (as with women- and minority-owned businesses) in procurement transactions, to match 2007 amendments to *Virginia Code* § 2.2-4310.
- Exempt charter public schools from the conflict of interests provisions, to match the 2004 enactment of *Virginia Code* § 2.2-3109(C)(6).
- Raise from \$22,500 to \$35,000 the annual salary needed to create a "material financial interest" for conflict of interests purposes, following a 2010 amendment to *Virginia Code* § 2.2-3110(B). When two spouses or relatives residing in the same household are employed by the same governmental agency, a "material financial interest" is deemed to exist only where (a) one such person is employed in a direct supervisory and/or administrative position with respect to the other and (b) the annual salary of the subordinate is (now) \$35,000 or more.

Chapter 4

- Raise the small purchase limit for professional services from \$30,000 to \$50,000, following the 2009 amendment to *Virginia Code* § 2.2-4303(H).
- Narrow the allowable use of competitive negotiation in construction contracts, following the 2011 deletion of the former *Virginia Code* § 2.2-4303(D)(2).

Chapter 5

- Raise the small purchase limit for professional services from \$30,000 to \$50,000, following the 2009 amendment to *Virginia Code* § 2.2-4303(H).

Chapter 11

- Raise the small purchase limit for professional services from \$30,000 to \$50,000, following the 2009 amendment to *Virginia Code* § 2.2-4303(H).

Chapter 22

- Raise the small purchase limit for professional services from \$30,000 to \$50,000, following the 2009 amendment to *Virginia Code* § 2.2-4303(H).
- Specify that a purchase order is required on any purchase over \$1,000.
- Specify that purchases of goods or nonprofessional services that are expected to exceed \$30,000 shall require the posting of a public notice on appropriate website(s), following the 2011 amendment to *Virginia Code* § 2.2-4303(G).
- Add a cross-reference to the definition of "professional services." While the other small purchase limits are recommended to remain the same for now, staff may recommend revisiting these limits if/when a purchasing card system is implemented.

Chapter 26

- Modify references to the purchasing agent to reflect the practice of contracts sometimes being initiated and prepared by the involved County or School Division department (such as the Office of Facilities Development, Department of General Services, or the Schools' Building Services Department).

- Reference the required contract provisions of *Virginia Code* § 2.2-4311 through § 2.2-4312.
- Delete the requirement that the County/School Board be named an additional insured on a vendor's professional liability policy. The County/School Board would continue to be named an additional insured on vendors' other insurance policies (such as on general and auto liability coverage).
- Delete the prohibition against striking the words "endeavor to" from the required notice to the County when certified insurance is cancelled. As a named insured, the County/School Board is already entitled to the same notice as the insured.
- Add Section 26-2.6 to specify who has signature authority, formalizing a proposal developed with the School and Finance administration.
- Add Section 26-4 to reflect Albemarle's procedure for approving change orders, consistent with *Virginia Code* § 2.2-4309(A).

The Virginia Public Procurement Act may be implemented by regulations consistent with the Act adopted by Resolution of the Board. The adoption of the Albemarle County Purchasing Manual, by Resolution, will therefore control the procurement of goods and services for the County and Public Schools.

No budget impact is expected.

Staff recommends that the Board adopt the attached resolution (Attachment A) amending and re-adopting the Albemarle County Purchasing Manual, incorporating the revisions to the Purchasing Manual set forth in attachments B through I.

**By the above-recorded vote, the Board adopted the following resolution amending and re-adopting the Albemarle County Purchasing Manual and incorporating the revisions as presented by staff.**

#### **RESOLUTION ADOPTING THE UPDATED ALBEMARLE COUNTY PURCHASING MANUAL**

**WHEREAS**, the County of Albemarle Purchasing Manual ("Manual") delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

**WHEREAS**, the Manual was last substantially revised on November 14, 2001 and, since 2001, there have been several amendments to the Virginia Public Procurement Act ("Act"), the state code on which the Manual is largely based; and

**WHEREAS**, the Manual needs to be revised and updated to reflect the changes in the Act and to provide the most comprehensive and efficient procurement of goods and services possible in the County; and

**WHEREAS**, the Board desires to adopt the amendments to the Albemarle County Purchasing Manual.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Purchasing Manual is hereby amended and re-adopted and shall supersede any purchasing policy adopted prior to this date.

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Item No. 7.8. Set public hearing to consider amending the Water Protection Ordinance.

The executive summary states that staff periodically reviews water protection regulations to assure that they are doing what they were intended to do. Experience shows that three areas of regulation warrant consideration for amendment: (1) certain fees may be reduced because the time required for staff to provide the service is less than anticipated; (2) language regarding the allowance of limited disturbance of the outer fifty feet of stream buffers on intermittent streams in the rural areas should be clarified; and (3) the regulations need to allow timing of the review and action on sediment control plans, stormwater management/BMP plans and mitigation plans to be better coordinated when they are simultaneously submitted.

The follow changes are proposed:

**Sec. 17-209 Fees.**

**Sec. 17-310 Fees.**

The proposed amendments to these sections would reduce the fees for variances and mitigation plans. The current variance fee is based on the belief that they would require review by multiple staff members and would generally be for complex projects. Staff experience is that variance applications are much smaller and simpler, are primarily intended to accommodate individual sites with tight topography or other unique circumstances, and require only 2-4 hours of staff time to review. Similarly, mitigation plans are usually a simple planting plan that can be incorporated into other plans and require limited staff time to review.

**Sec. 17-321 Types of development which may be allowed in stream buffer by program authority.**

The proposed amendment to this section would clarify that limited disturbances of the outer 50 feet of stream buffers on intermittent streams in the rural areas are permitted with mitigation. Prior to a 2009 amendment, stream buffers were placed on intermittent streams only in the water supply watersheds. The 2009 amendment added stream buffers on intermittent streams in the rural areas. The 2009 amendment created uncertainty as to whether any disturbance of stream buffers on intermittent streams in the rural areas was allowed, regardless of mitigation. This uncertainty was not intended. Since 1998, limited disturbances of the outer 50 feet of stream buffers have been permitted with mitigation.

**Sec. 17-304 Review and approval of stormwater management/BMP plan.**

**Sec. 17-322 Mitigation plan if development allowed in stream buffer.**

The proposed amendments to these sections are intended to allow the coordinated review and action on erosion and sediment control plans, stormwater management/BMP plans, and mitigation plans when they are simultaneously submitted. The current time limits on the approval and re-submittal of erosion and sediment control plans have been difficult to properly implement when owners combine the three plans into one physical plan set and submit them simultaneously. The proposed amendments would also void dormant applications and approved plans that are not implemented within the specified periods.

Although the reduced fees will result in reduced revenues, they will more accurately reflect staff time required for the services. The amount of reduced revenues will be evaluated as part of staff's analysis of this proposed ordinance amendment, but staff anticipates that the amended fees will result in less than a \$5,000 reduction. The other proposed amendments would not have a budget impact though they would allow the more efficient administration of the Water Protection Ordinance.

Staff recommends that the Board set the attached ordinance for a public hearing on October 12, 2011.

**By the above-recorded vote, the Board set the proposed ordinance for public hearing on October 5, 2011.**

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Item No. 7.9. Cancel September 14, 2011 regular night meeting.

**By the above-recorded vote, the Board approved cancellation of their September 14, 2011 regular night meeting.**

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Item No. 7.10. Downtown Crozet Stormwater Wetlands Project. **(moved to regular agenda).**

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Item No. 7.11. *Board-to-Board Report for September 2011*, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

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Item No. 7.12. Copy of letter dated August 3, 2011 from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Mr. Brian S. Ray, c/o Roger W. Ray & Associates, Inc., **re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS – Tax Map 121, Parcels 51, 52 and 54 (property of Meadow Farm, LLC) Scottsville Magisterial District, was received for information.**

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Item No. 7.13. Copy of letter dated August 8, 2011 from Mr. Francis H. MacCall, Senior Planner, to Mr. Brian S. Ray, c/o Roger W. Ray & Associates, Inc., **re: LOD-2011-0007 - OFFICIAL DETERMINATION OF PARCEL OF RECORD – Tax Map 91, Parcel 12 (property of Galaxie, LLC) Scottsville Magisterial District, was received for information.**

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Item No. 7.14. Albemarle County Monthly VDoT Report, September 2011, **was received for information.**

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Item No. 7.15. Midyear Update on Community Development Work Program, **was received for information.**

The executive summary states that this report provides the Board an update on Community Development's progress on its 2011 work program. This work program was presented to the Board in February, 2011, and includes changes to reflect the Board's direction to prioritize additional work items, such as Critical Slopes and Rural Area Churches. Additionally, the Board directed staff to consider the Interstate Interchange Policy review with the Comprehensive Plan Update so that the targeted industry study may first be completed.

Attachment 1 is the work program as presented to the Board in February, 2011. Attachment 2 presents the work program status as of August, 2011. Staff notes the following highlights:

1. Work completed since February, 2011 includes Places 29 Master Plan, Redistricting, Zoning Fees, Phase 2 of Winery changes, and Phases 1 and 2 of Light Industrial zoning changes.
2. As a result of work on the LI zoning changes, staff is investigating the need for a third phase beyond what was previously anticipated. This third phase would consider the broadening of uses allowed in the Light Industrial zoning category.
3. Staff estimates the Comprehensive Plan update has been delayed approximately 2 months due to the need to obtain Board concurrence with the Consortium Agreement and the inability to move forward until that agreement was approved.
4. The ministerial and legislative changes remain on schedule, with the ministerial changes anticipated to reach the Board in the fourth quarter of 2011 and the legislative changes anticipated to reach the Board in the first quarter of 2012.
5. Work on the Critical Slopes amendment is anticipated to restart as the ministerial changes are finalized. Work on the Rural Areas churches has been delayed until 2012 pursuant to the Board's direction at the April 2011 work session.
6. Finally, work on possible amendments to the sign ordinance have been delayed approximately six months, but are now proceeding to public hearing, and it is anticipated to be presented to the Board in the fourth quarter of 2011.

Staff anticipates there will be no budget impact resulting from this executive summary.

This report is for information only and no action is required.

**(Discussion:** Mr. Boyd said he is a little concerned that the work being done on Light Industrial would not come to the Board until next year. He said that that was a top priority identified by the Board and he is concerned that it is taking that long. Mr. Boyd also asked if there would be two different studies done on Light Industrial land uses, given that there are also Comp Plan reviews pending. He asked when the County is going to have this ready to roll out, because the community is anxious for it and he is anxious for it. He thinks it is important and would like to see it accelerated.

Mr. Mark Graham, Director of Community Development, responded that staff has already done two parts of the LI study, which were the anticipated parts. Staff added a third part to go beyond what was originally anticipated. He said that staff has done the anticipated changes to the Zoning Ordinance and are now looking at additional things. The idea with the Comp Plan was to try to get to a point of discussion in the next calendar year as to whether the Board wanted to accelerate separate parts – such as the interstate interchange policy. Mr. Graham said that the review would be wrapped up this fall to go to the Planning Commission and then to the Board in January.

Mr. Boyd stated that he is having trouble understanding how this all meshes together into getting something accomplished and leading to Comp Plan changes, as there are people “sitting in the wings” waiting for the interstate interchange process to be addressed so they can apply for Comp Plan amendments or Special Use Permits, if necessary. He said that several businesses expressed concern at recent roundtable discussions about their expansion possibilities or even staying in this county, that is pending on the whole discussion of Light Industrial and its availability.

Mr. Graham said that he appreciates the concern, but when staff brought the work program to the Board in February the Board asked them to come back in April to look at accelerating interstate interchange policy or rural area churches – but coming out of that meeting the decision was “neither of those,” that staff was going to accelerate critical slopes. That is what staff has done. Staff has tried to reflect the direction they were given by the Board.

Mr. Boyd said he was just a little disappointed that this is not moving forward faster.

Ms. Mallek stated that the approach of changing zoning on properties for landowners who were in the Comp Plan as Light Industrial – but their zoning did not reflect that – is also further down the road.

Mr. Graham explained that that's part of the Comp Plan review.

Ms. Mallek said that that's where it should be, as it is a whole change of view.

Mr. Boyd asked if the County was “holding people off” by telling them that the Comp Plan changes are being reviewed.

Mr. Graham responded that no one is being held off if they are proposing a use consistent with the current Comp Plan, but if they are trying to accelerate a change to the Comp Plan then from one perspective it could be said that they are being held off.

Mr. Rooker said that the quickest and easiest to deal with are people who have property that's currently designated for LI that's not zoned that way, but any changes to the Comp Plan generally have to be done with some broader scope in mind. There is a somewhat lengthy process of public input, et cetera, dictated by statute to get there. He also stated that a lot is said about the need for Light Industrial, but there is LI property around – including 50+ acres at the interchange of I-64 and 5<sup>th</sup> Street that sat there for 20 years as LI but the owners said they could never find anyone to go in there, so they ultimately converted it to commercial use. Mr. Rooker said that there have been numerous cases of Light Industrial property being converted to some other use because the owner claimed he couldn't find a LI user for the property. You get anecdotal information on both sides of this issue.

Mr. Boyd stated that there has been no one ready to step up with "pad-ready sites," and that is what he is hearing from the business community.

Mr. Rooker said the property he was referring to was already zoned LI and there was no zoning required, and they could have gone in at any time to put pad sites in.

Mr. Boyd stated that the owner there was not willing to go to that expense, but owners of other properties are willing to go to that expense and that is what the Board has to look at. He said that if other people in the community are willing to make that investment, he would like to look at it. Mr. Boyd commented that some of those LI properties don't have water and sewer or adequate internet infrastructure.

Mr. Rooker noted that that would be true to the extent that rural property would be rezoned. A lot of it is going to be a long way from water and sewer. That is why he thinks areas like the 5<sup>th</sup> Street area and other areas that are strategically located are the best sites to focus on Light Industrial.

Mr. Boyd said there was a lot of good information at the roundtable that was brought out by the business community about how the County could create jobs in community, and that is his number one priority – to create good career ladder jobs. He commented that the Board needs to somehow accelerate the process to bring jobs to the community. He thinks that the County needs to proactively go out and do some things.

Mr. Rooker commented that they need to make certain that whatever is done has its intended effects.

Ms. Mallek said that the upcoming meetings would be a great opportunity to get the ideas out and focus on this.

Mr. Foley mentioned that staff was very deliberate in putting this item on the agenda, because things come along constantly about changes and acceleration and so forth, and staff is doing the best they can do to keep this program moving, given the resources.

Mr. Boyd stated that he understands that, but there needs to be a continual reminder that a top priority of theirs is to provide an environment where businesses can thrive here. He said that he heard a number of businesses imply that they were thinking about leaving the County.

Ms. Mallek said that it was for different reasons.

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Agenda Item No. 8. **Public Hearing: SP-2011-00012. Locally Grown Festival (Signs #62&64).**  
**PROPOSAL:** Special Use Permit to allow a one-time music event for a maximum of 700 people between the hours of 1-9 p.m. in the fall of 2011.  
**ZONING CATEGORY/GENERAL USAGE:** RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  
**SECTION:** 10.2.2.42 Temporary events sponsored by local nonprofit organizations.  
**COMPREHENSIVE PLAN LAND USE/DENSITY:** RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  
**LOCATION:** 5152 Mount Juliet Farm, approximately one-half mile northwest of junction with White Hall Road (810).  
**TAX MAP/PARCEL:** 040000000026A1.  
**MAGISTERIAL DISTRICT:** White Hall.  
*(Advertised in the Daily Progress on August 22 and August 29, 2011.)*

Mr. Cilimberg asked if the applicant for the project was in attendance, stating that staff had heard from the applicant that they might want to defer but they never confirmed. He said that if the applicant is not here the item should at least be deferred until October.

Mr. Boyd asked if there was a time issue with the application.

Mr. Cilimberg responded that one of the changes that the applicant had asked, for this one event, was to allow them to have until the end of 2012. Mr. Cilimberg said from a time standpoint, it is probably not critical to them. He suggested the Board defer the request until October. He also suggested that the Board hold the public hearing so as not to re-advertise the public hearing.

Mr. Davis said that unless the Board wants it re-advertised, staff's recommendation would be to hold the public hearing and then defer the matter.

Ms. Mallek stated that she does not see a reason to re-advertise it.

Ms. Mallek then opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Mr. Rooker **moved** to defer SP-2011-00012 until October 5, 2011. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 9. **Public Hearing: ZMA-2011-00004. Albemarle Place Proffer Amendment (Signs #66&67).**

**PROPOSAL:** Request to amend proffers on property zoned NMD which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. No new dwellings or change in residential density proposed.

**ENTRANCE CORRIDOR:** Yes.

**PROFFERS:** Yes.

**COMPREHENSIVE PLAN:** Designated Urban Mixed Use (in Destination Center) – retail, residential, commercial, employment, office, institutional, and open space; Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers; and Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses.

**LOCATION:** Northwest corner Hydraulic Road (Rt. 743) and Seminole Trail (US 29) in Neighborhood 1.

**TAX MAP/PARCEL:** 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, 061W0-03-00-02500.

**MAGISTERIAL DISTRICT:** Jack Jouett.

*(Advertised in the Daily Progress on August 22 and August 29, 2011.)*

Mr. Cilimberg reported that the Board is familiar with the site and its location, which is zoned for the Neighborhood Model District. He stated that the request here is for two substantive changes – phasing of a through road improvement for the street connecting Hydraulic Road and Route 29 that would run through the project, and also changes to inter-parcel street connections. Mr. Cilimberg explained that under the current requirements, Sections A, B, C and D would be built before any connection of the through-road – which is now being called Stonefield Boulevard – and the proffers would require that this road be connected through from the back side of Sperry to Route 29 after the construction of A, B, C and D occur. He said that with the development of part E that road connection would be a requirement, and their request is to also allow Section E to develop without having to build the full urban cross-section street in this alignment from the back of Sperry to Route 29. Mr. Cilimberg stated there could be two options as to how that could otherwise be dealt with during the development of all five parcels – to either build a temporary road through, which would ultimately be replaced with a permanent road with the development of F and G, or to delay any connection altogether if traffic studies indicate there is not a negative impact as a result of that.

Mr. Cilimberg explained that the other change is that under this plan there was a street referred to as “Second Street” that had the potential of being connected through, but with plans as currently proposed that would not be possible physically so the applicants are asking that the connection be removed with other connections left for future decisions as development occurs, with potential for connections identified; and if not possible then there could be a waiver to allow the connections not to occur. He said that other connections would be dependent on the ability to actually physically build them in the adjacent areas, which are not under their control. Mr. Cilimberg stated that initially with the outset of the development of this project there are going to be improvements on the frontage of both Route 29 and Hydraulic Road undertaken, which will create better opportunities for access and overall circulation of traffic on both the southbound side of Route 29 as well as the westbound and eastbound sections of Hydraulic Road. With those improvements, he said, staff feels the critical nature of connecting through this particular street as a full-blown urban cross-section boulevard is not a necessity as this part of the development takes place.

Mr. Cilimberg commented that there is an allowance of flexibility in the design and timing of that boulevard and the number and/or location of inter-parcel connections that still assures streets are provided commensurate with the needs generated by the development, and this does not create inconsistencies with the Comprehensive Plan. Staff has noted, he said, that the construction of the full urban cross-section boulevard will be delayed as compared to what the current proffers would require. He stated that staff along with the Planning Commission has recommended approval of the zoning map amendment, which is basically the proffers dated August 5, 2011.

Ms. Mallek asked about the connector street between Parcels E and F, as Mr. Cilimberg had indicated there is no outlet at the moment because of the houses built along Commonwealth Drive.

Mr. Cilimberg confirmed that the developers would need adjacent areas to be available in order for connections to be made and they don’t control those connections, but the only removed section they are asking for is Second Street.

Mr. Snow noted that Mr. Cilimberg mentioned the possibility of a temporary road going out and asked him what he meant by “temporary.”

Mr. Cilimberg explained that the road would not be a full-blown urban cross-section street, but would be a road built probably as a rural cross-section – although staff is asking that they include a path for pedestrians. He said it would be a road that could be easily removed in the development of F and G.

Ms. Mallek said it also wouldn’t be damaged by construction traffic when they do F and G. Mr. Cilimberg said that is true.

Mr. Snow asked if it could be a road used by commuters and other people in the area.

Mr. Cilimberg confirmed that it would be. He also said that in the development of Section E the developer would provide a traffic study that indicates that connecting the road through would not be necessary for the purpose of serving the traffic in the area, and that would be a decision made by the County Engineer and VDOT as to whether that would be acceptable. Mr. Cilimberg stated that the proffer would allow the applicant to not have to build any road whatsoever until they get into the development of F and G, but that will not be known until the site plans and traffic study are in to give an indication of traffic impact.

Mr. Boyd asked if that is clearly defined with guidelines. Mr. Cilimberg responded that that will be defined as part of the normal traffic study review. He added that there are guidelines.

Mr. Boyd asked where the outlets are to get in and out of the development.

Mr. Cilimberg replied that there are multiple connections including the entrance in the back that will already exist, a potential connection going into the Sperry property, a potential connection to the north going into the Comdial property and to the west using the back entrance to Comdial. He confirmed that based on the current build-out for A-E, the current access would be at Hydraulic road and potentially down to Route 29 if this road were required to be built – even as a temporary – and their new Main Street connecting directly to Route 29.

Mr. Rooker pointed out that there are two entries on Hydraulic Road.

Mr. Cilimberg noted that there is also an entrance further to the east on Hydraulic Road.

Mr. Boyd asked if E would all be residential.

Mr. Cilimberg responded that the developer submitted a site plan that shows apartments primarily in that section, but there are some areas not as yet showing what development would occur because they have not reached the point of knowing what their market demand is.

Mr. Boyd asked if staff feels comfortable that what the developer is proposing would be adequate.

Mr. Cilimberg said that the County has the opportunity through the traffic study to determine whether or not the connection needs to be made, and as a temporary road in the short term – before F and G are built – there will still be a full-through access. He also said there is a crossover that has been approved by VDOT, and signalization would be VDOT's determination.

Mr. Rooker asked if the temporary road would exit at the same spot.

Mr. Cilimberg replied that it would.

Mr. Rooker pointed out that one of the primary reasons for that access is so traffic leaving and going north would not have to go through Hydraulic Road, which is an important facet in this.

Ms. Mallek noted that it only works if there is a light.

Mr. Rooker agreed, adding that VDOT said lights could be sequenced so it doesn't really impact the flow through there. He added that the County needs to look very carefully at allowing anything other than the temporary road solution, which would provide for that outlet.

Mr. Cilimberg emphasized that staff would not remove the requirement of that connection unless the traffic studies indicated it was not necessary.

Ms. Mallek commented that they are only talking about the timing, not that the road is going away.

Mr. Cilimberg confirmed that is the case, adding that it would be evaluated with each section or piece of development occurring within the project.

Ms. Mallek said that normal procedures would require bonds, so if they got a certificate of occupancy there would still be a requirement to get the road done. Mr. Cilimberg responded that the proffers would require that it be done.

The Chair opened the public hearing.

Ms. Valerie Long, representing the applicant, Edens and Avant, introduced the Project Manager, Tom Gallagher, and addressed the Board. She said that there is no intent to eliminate the connection; it is a matter of whether it is built to a temporary standard. It would be usable for the traveling public. It would not be the full urban cross section that it would ultimately be required to be. She said that before a certificate of occupancy for the F and G blocks can be issued the road must be in its final state and approved by VDOT. Ms. Long said that in order to have COs for the residential dwelling units that would be built in Block E, the applicant would either have to build the temporary road through to Route 29 or, if they had a current traffic study that demonstrates that all traffic from the first phase of the project A-D and block E residential units doesn't cause the Hydraulic Road/Route 29 intersection to fall below an acceptable level of service then it is acceptable. She stated that in Phase 1 it is blocks A-D, but in addition there cannot be more than 370,000 square feet of commercial space and 170 dwelling units – and those numbers were arrived at in working with VDOT because that is the volume they think the Hydraulic Road/Route 29 Intersection can handle. Ms. Long also mentioned that a residential developer came

forward expressing interest in building the apartments in block E, and VDOT and staff said the developer would need to prove that levels of service would still be sufficient – or they would have to build a temporary road. She emphasized that the applicants may build the temporary road anyway, and the proffers are written in a way that provides a great amount of discretion and authority to the County and VDOT to make those decisions.

Mr. Boyd asked if the applicant is required to do a traffic study at that point.

Ms. Long replied that they would not have to do one necessarily, but the only way to get relief from building the temporary road at that time would be to demonstrate through a traffic analysis that all of the traffic from blocks A-E would not cause the Hydraulic Road/Route 29 intersection to fall below an acceptable level of service. She confirmed that there is an obligation in the proffers for the applicant to go through that process.

Mr. Rooker said he wasn't sure if the developer had looked to try to make a connection to Commonwealth Drive as a way to alleviate the traffic from block E.

Ms. Long said that they have not looked at that yet, as it would require displacing residents or buying out their properties and at this point the applicants have not pursued that.

Mr. Thomas recalled that there were discussions about the road going out to Commonwealth Drive, with two outlets.

Ms. Long stated that on the application plan there are future connections planned, including one in the back entrance where the former Comdial facility is, and there are three or four extending towards Commonwealth Drive that are future potential connections. She said that nothing is actually planned at this point but the proffers all require that land be dedicated in these locations to facilitate future construction of those connections by other owners – if and when the opportunity arises – as well as a separate proffer pertaining to the back entrance at Comdial.

Mr. Thomas asked what Ms. Long meant by other owners. Ms. Long responded that if those properties are ever redeveloped in the future. The Albemarle Place developers would not build the connection because they do not control those properties. If someone ever wanted to redevelop that area and facilitate a connection, the Albemarle Place project would have reserved that land so that those connections could be made without requiring condemnation for purposes of right-of-way.

Mr. Rooker said that one option would be the developer buying a row of townhouses to assume right-of-way there to provide a two-lane outlet to Commonwealth Drive. He noted that it might be less expensive than the other plan. There are a lot of investors who own property in that area.

Mr. Snow asked if there was an anticipated timeframe for the build out of block E.

Ms. Long replied that there is a developer who is very interested and is working with Edens and Avant to pursue development of apartments. She thinks they are hoping to pursue it in the later part of Phase I.

Mr. Dorrier asked how long Phase 1 would take.

Ms. Long stated that it's not really tied to a time limit, but instead is linked to what is included in the scope of Phase 1 – blocks A-D and potentially block E. She said that the developer does have a deadline to complete the first few buildings in Phase 1.

Mr. Gallagher explained that Edens and Avant is currently completing site work and would commence vertical construction this fall for all the retail in blocks A-C, as well as establishing a pad site for the Hyatt Place going up on the west side of Stonefield Boulevard – with a plan to deliver a pad site for block E in the spring of 2012. He said that concurrent with that, they will either look at doing a traffic study or commence with the temporary road connection. Mr. Gallagher stated that Faulconer is under construction onsite and would commence some of the improvements to Route 29 South and Hydraulic Road within the next few weeks, so all of the offsite improvements would be done before the first CO takes place on the property. He added that all onsite roads and infrastructure, including the connection through to Route 29 would be addressed either through the traffic analysis or temporary road construction.

Mr. Boyd commented that the offsite improvements are just those in County property and do not include the expansion of the Best Buy ramp.

Mr. Gallagher confirmed that is the case.

Mr. Rooker said they are contributing money, but it is a State project. He noted that there was a meeting last week to try to get that project coordinated so that when Faulconer finishes their work at Albemarle Place they could seamlessly move forward to the south which would certainly make sense.

Mr. Snow asked when the doors would be open at Stonefield.

Mr. Gallagher responded that they are targeting for fall 2012, and to deliver that they need to deliver the entire Town Center.

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

Mr. Rooker **moved** to approve ZMA-2011-0004 inclusive of the proffers dated August 5, 2011. Ms. Mallek **seconded** the motion.

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

AYES: Ms. Mallek Mr. Rooker, Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: None.

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

**Albemarle Place**

**PROFFER FORM**

**Date: August 5, 2011**

**ZMA # 2011-00004 Albemarle Place**

**Tax Map and Parcel Numbers: 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, and 61W0-03-00-02500**

**65.034 Acres zoned Neighborhood Model District (NMD) to be rezoned to Neighborhood Model District (NMD)**

Albemarle Place EAAP, LLC, a Delaware limited liability company, is the fee simple owner (the "Owner") of tax map parcels 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, and 061W0-03-00-02500 (collectively, the "Property"), which is the subject of zoning map amendment application number ZMA 2011-00004 known as "Albemarle Place Amendment."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this proffer statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is acknowledged that the conditions are reasonable.

The Albemarle Place project was originally approved by the County Board of Supervisors on October 22, 2003 as ZMA 2001-007, along with proffers from the prior owner dated October 22, 2003, and a Code of Development prepared by The Cox Company dated October 15, 2003 (with Exhibit A to the Code of Development last revised July 8, 2010) (the "Code of Development"). The Code of Development included an application plan (the "Application Plan"). The improvements proposed for the Property are collectively referred to as the "Project."

The term "Owner" as referenced herein shall include within its meaning the owner of record and successors in interest. The term "Application Plan" refers to Exhibit A. The term "Code of Development" refers to Exhibit B. The proffers dated October 22, 2003 that were approved with ZMA 2001-007 were amended by proffers dated July 23, 2010 that were approved with ZMA 2008-0003 by the County Board of Supervisors on August 4, 2010. These proffers amend and supersede the proffers accepted in conjunction with the approval of ZMA 2001-007 and ZMA 2008-0003.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers.

1. **Phasing of Albemarle Place Improvements:** The Owner shall phase development of the Project as follows:

**A. Phase 1:** Phase 1 of the Project shall be composed of Blocks A, B, C and D as shown on the Application Plan, and as shown in more detail on Exhibit A-1 attached hereto ("Phase 1"), and shall include street and utility improvements to serve the planned building improvements contained within Phase 1. As part of Phase 1, the Owner shall design and construct Albemarle Place Boulevard (also known as Fourth Street/Cedar Hill Road) ("Albemarle Place Boulevard") from Hydraulic Road to the point where Albemarle Place Boulevard connects with the new planned western entrance to the Sperry Marine facility in the location shown on the Application Plan, and as shown in more detail on Exhibit A-1. This first phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street, and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks A, B, C and D. Construction of the first phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by the Virginia Department of Transportation ("VDOT") and the County Engineer has approved it for vehicular travel. No more than three hundred seventy thousand (370,000) square feet of commercial space and one hundred seventy (170) dwelling units may be constructed within the Project until the remainder of Albemarle Place Boulevard is constructed to the new planned intersection with U.S. Route 29 as shown on the Application Plan. Notwithstanding anything to the contrary contained in this Paragraph 1A, the Owner shall be permitted to utilize portions of the Phase 2 land (as shown on Exhibit A-1) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D.

**B. Phase 2:** Phase 2 of the Project shall be composed of Blocks E, F and G as shown on the Application Plan and as shown in more detail on Exhibit A-1 ("Phase 2"), and shall include street and utility improvements to serve the planned building improvements contained within Phase 2. As part of Phase 2, the Owner shall design and construct Albemarle Place Boulevard from the point where it connects with the new planned western entrance to the Sperry Marine facility north and east through Blocks E, F and G to the new planned intersection with U.S. Route 29 as shown on the Application Plan and as shown in more detail on Exhibit A-1. This second phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks E, F and G. Construction of the second phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by VDOT and the County Engineer has approved it for vehicular travel. Notwithstanding anything to the contrary contained in this Paragraph 1B, the Owner shall be permitted to utilize portions of the Phase 2 land (as shown on Exhibit A-1) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D. Notwithstanding anything to the contrary contained in this paragraph 1B or in paragraph 1A above, final certificates of occupancy may be issued for buildings within Blocks A, B, C, D or E beyond the threshold levels contained in paragraph 1A, provided that the Owner (i) has constructed at least a temporary road (at standards acceptable to the Director of Community Development) connecting the first phase of Albemarle Place Boulevard to the new planned intersection with U.S. Route 29, or (ii) can demonstrate during the site plan review process, through traffic analysis acceptable to the Director of Community Development and VDOT, that additional traffic from such buildings, when aggregated with the traffic generated by the uses for which certificates of occupancy have been issued for buildings in Phase 1, will not cause the Hydraulic Road/U.S. Route 29 intersection to fall below an acceptable level of service.

**C.** Landscape improvements and associated streetscape improvements to serve the planned building improvements contained within each block shall be reviewed at the time of final site plan review for each block. The Project shall have a consistently designed and planted streetscape along Route 29 and Hydraulic Road.

2. **Community Development Authority Participation:** Upon request by the County, the Owner shall petition for and consent to all tax map parcels used for non-residential purposes participating in a Community Development Authority ("CDA") established pursuant to Section 15.2-5152, et seq. of the Code of Virginia ("Code") to be created for the purpose of implementing Route 29 regional transportation improvements, including but not limited to transportation improvements within the "Super Block" (the geographical area bounded by Route 29, Hydraulic Road, Commonwealth Drive, and Greenbrier Drive) and intersectional improvements associated therewith.
3. **Cash Proffer for Route 29 Regional Transportation:** The Owner will make a cash contribution to the County for the MPO/29H250 Phase 2 Route 29 regional transportation study in the amount of One Hundred Thousand Dollars (\$100,000.00). The cash contribution shall be made by the Owner within thirty (30) days upon request by the County. This proffer has been satisfied.
4. **Cash Proffer for City of Charlottesville Traffic Calming Improvements:** The Owner shall contribute Ten Thousand Dollars (\$10,000.00) to the City of Charlottesville for the construction by the City of traffic calming improvements on Swanson Road, Cedar Hill Road and other City streets intersecting Hydraulic Road in the vicinity of Albemarle Place. The cash contribution shall be made by the Owner within thirty (30) days upon request by the City. If the traffic calming improvements are not implemented by October 15, 2007, all unexpended funds shall be refunded to the Owner. The City constructed the traffic calming improvements, and requested the prior owner of the Property to pay the contribution on November 9, 2005, but there are no immediately available records that such contribution was ever received by the City. Upon evidence of prior payment of such funds that is satisfactory to the County, the requirements of this Paragraph 4 shall be deemed satisfied. In the event the Owner has not produced such evidence to the County by March 31, 2010, the Owner shall contribute the funds to the City within thirty (30) days of a written request from the City, provided that such request is made no sooner than April 1, 2011. At the time such funds are delivered to the City, the Owner shall provide notice of such payment to the County.
5. **Cash Proffer for Charlottesville Area Transit ("CAT") Commercial Corridor "Jitney Service":** Upon the request of the County, the Owner shall contribute Twenty Thousand Dollars (\$20,000.00) per annum or an amount equal to twenty percent (20%) of the annual operating and maintenance costs, whichever is less, for a period not to exceed five years for operating and/or maintaining a dedicated "jitney bus" service to retail commercial developments, including Albemarle Place, along the Route 29 Corridor. If the CAT "jitney service" is not placed into operation by the date of issuance of the first occupancy permit for a commercial building in Albemarle Place, then the Owner shall contribute Seven Thousand Dollars (\$7,000.00) per annum, for a period not to exceed five years, to CAT for costs associated with operating existing CAT bus route(s) that provide service to Albemarle Place.
6. **Cash Proffer for Capital Improvements:** The Owner shall contribute One Million Five Hundred Thousand Dollars (\$1,500,000.00) (hereinafter referred to as the "Total Contribution") to the County for the purpose of funding capital improvements related to Albemarle Place. The contribution shall be paid as follows: (a) Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) shall be contributed to the County within thirty (30) days after the first final site plan or subdivision plat containing residential dwelling units is approved for Albemarle Place; (b) an additional Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) of the total contribution shall be contributed to the County prior to the issuance of a certificate of occupancy for the first residential dwelling unit in

Albemarle Place, and (c) the remaining Seven Hundred Fifty Thousand Dollars (\$750,000.00) of the Total Contribution shall be paid on a pro rata basis of Three Thousand Dollars (\$3,000.00) per residential dwelling unit at the time certificates of occupancy are issued for the first two hundred fifty (250) dwelling units. No additional contribution shall be required for the next two hundred fifty (250) dwelling units.

If, five (5) years from the date of approval of the first final site plan or subdivision plat for residential dwelling units, the Total Contribution has not been fully paid, the balance of the Total Contribution shall be contributed to the County within thirty (30) days upon request by the County. If this fund has not been exhausted by the County for the stated purpose within five (5) years from the date the last contribution is made, all unexpended funds shall be refunded to the Owner.

In addition to the foregoing, after building permits have been issued for the first five hundred (500) dwelling units within Albemarle Place, the Owner shall pay to the County Three Thousand Dollars (\$3,000.00) prior to the issuance of a building permit for each new residential dwelling unit thereafter.

7. **Construction of Frontage improvements on Route 29 and Hydraulic Road:** At its expense, the Owner shall plan, design, bond and construct travel lane improvements to be dedicated for public use on its Hydraulic Road and Route 29 frontage. The design shall be submitted with the first site plan for the initial phase of Albemarle Place. The subject frontage improvements are depicted by Exhibit F, "Short Term Route 29 Transportation Improvements." The County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. The construction of the subject improvements shall be deemed complete when they are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.
8. **Construction of Off-Site Improvements:** Upon request by the County or as provided herein, the Owner shall plan, design, bond and construct off-site transportation improvements in the County and the City, as depicted on Exhibit F, "Short Term Route 29 Transportation Improvements". If the improvements are required to be constructed, the County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.
  - A. **Off-site Improvements in the County at the Northwest Quadrant of the Hydraulic Road/Route 29 Intersection.** The engineering, plats and construction documents for off-site improvements in the County shall be submitted with the first final site plan for Phase 1 of Albemarle Place.
  - B. **Off-site Improvements in the City at the Northeast Quadrant of the Hydraulic Road/Route 29 Intersection (numbered items 4 and 11 on Exhibit F).** The Owner shall submit the engineering, plats and construction documents (the "Plans") for the improvements in the City of Charlottesville to the City of Charlottesville within sixty (60) days after the first final site plan for Phase 1 of Albemarle Place is submitted to the County. The Owner shall diligently pursue approval of the Plans in the City. If the City does not approve the Plans within six (6) months after the first final site plan for the first phase of Albemarle Place is approved by the County, the Owner shall not be required by this proffer to construct any improvements for which approvals have not been obtained. The Owner shall not be required by this proffer to acquire or otherwise pay for right of way in the City for these improvements.

If the improvements are required to be constructed, the Owner shall complete construction of the improvements for which right of way is available within twelve (12) months after the issuance of the first certificate of occupancy within Albemarle Place. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

This Paragraph 8(B) is subject to the terms of Paragraph 14, "Substituted Transportation Improvements."

9. **Reservation and Dedication of land for Regional Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for the future dedication to the Commonwealth of Virginia certain land on the Property in the County for certain short-term transportation improvements for the Route 29 and Hydraulic Road intersection (the "Short-Term Route 29/Hydraulic Road Improvements") as follows: (a) the land shown as "Parcel A 6,511 S.F." on the plat of Kirk Hughes and Associates dated March 3, 2009, last revised March 25, 2010, which plat is attached hereto as Exhibit H; and (b) any portions of the parcels shown as "Parcel One Future Right of Way 1,117 S.F.," "Parcel Two Future Right of Way 9,079 S.F.," "Parcel Four Future Right of Way 1,660 S.F.," and "Parcel Five Future Right of Way 790 S.F.," on the Official Map adopted by the County on December 2, 2009, a copy of which Official Map is attached hereto as Exhibit I, that are required by VDOT for the Short-Term Route 29/Hydraulic Road Improvements (collectively, the "Short-Term Improvements Dedication Area"), provided, however, that the subdivision plats depicting the Short-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Short-Term Improvements Dedication Area may be adjusted accordingly.

The Owner shall dedicate the Short-Term Improvements Dedication Area to the Commonwealth of Virginia in fee simple by October 1, 2010, or within thirty (30) days after the County approves the subdivision plat necessary to dedicate the Short-Term Improvements Dedication Area, whichever is

first to occur. In addition to the dedication of the Short-Term Improvements Dedication Area, the Owner shall dedicate and convey all necessary drainage and construction easements for the Short-Term Route 29/Hydraulic Road Improvements. If the Short-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the Office of the Attorney General necessary to dedicate and convey the Short-Term Improvements Dedication Area land.

After dedication and until the subject regional transportation improvements are funded for construction, the Owner shall, at the request of the County, and with the consent of the Commonwealth of Virginia, maintain the Short-Term Improvements Dedication Area land until requested by the County to no longer do so provided the Owner is granted the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, signage, utilities or other purpose as may be approved with the final site plan for the first phase of Albemarle Place. Upon being requested by the County to no longer maintain the land, the Owner shall cease all use of the land and remove all improvements established by the Owner that the County requests be removed.

In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Short-Term Improvements Dedication Area land, upon the Owner's request, the residual portion of the dedicated land shall be transferred to the Owner at no expense to the Owner. The deed(s) of dedication for the Short-Term Improvements Dedication Area may provide for such conditions.

- 10. Reservation and Dedication of Additional Land for Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for future dedication to the County, subject to the conditions herein below, certain additional land on the Property for the right of way for future Hydraulic Road and Route 29 related regional transportation improvements (the "Long-Term Route 29/Hydraulic Road Improvements") as follows: (a) the area shown as "Parcel A1 1,432 S.F." on Exhibit H; and (b) any portions of the parcels shown on Exhibit I that were not previously dedicated to the Commonwealth of Virginia for the Short-Term Route 29/Hydraulic Road Improvements pursuant to the Paragraph 9 herein (collectively, the "Long-Term Improvements Dedication Area") provided, however, that the subdivision plats depicting the Long-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Long-Term Improvements Dedication Area may be adjusted accordingly.

The Owner shall dedicate the Long-Term Improvements Dedication Area to the County within ninety (90) days after the County's request for such dedication, and such dedication shall include the dedication and conveyance of all necessary drainage and construction easements for the Long-Term Route 29/Hydraulic Road Improvements. If the Long-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the County Attorney's Office necessary to dedicate and convey the Long-Term Improvements Dedication Area.

Until the Long-Term Improvements Dedication Area land is dedicated, the Owner shall maintain the land and shall retain the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, utilities or other purposes as may be approved with the first final site plan for Phase 1 of Albemarle Place.

The conditions on the subject reservation and dedication shall be as follows:

- (a) In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Long-Term Improvements Dedication Area land, upon request of the Owner the residual portion shall be released by the County from the reservation or, if the land has been dedicated, upon request of the Owner title shall be transferred back to, and for the use of, the Owner at no expense to Owner. The deed(s) of dedication for the Long-Term Improvements Dedication Area may provide for such conditions.
- (b) The design and construction of the Long-Term Route 29/Hydraulic Road Improvements shall substantially maintain the access, function, and continuity of service of the planned intersection of Swanson Road (Extended) and existing Hydraulic Road into Albemarle Place at the location of the existing Swanson Road and Hydraulic Road intersection; otherwise this proffer becomes null and void.

- 11. Signalization of Hydraulic Road and Route 29 Intersections:** The Owner shall be responsible for traffic signalization improvements as follows:

- A. The Owner at its expense shall engineer, bond, and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and Hydraulic Road. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any building in Blocks A, B, C or D, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.
- B. Owner at its expense shall engineer, bond and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and U.S. Route 29. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any

building in Blocks E, F or G, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.

12. **Commonwealth Drive Connection:** Upon demand of the County, but no earlier than the issuance of a building permit for any building within Block F, the Owner shall reserve right-of-way along the northern edge of the parking lot in Block F of the Property for a future street connection to Commonwealth Drive through the "Comdial Property" (TM 61W-3-18). The future connection will be a two lane facility.

Upon the request of the County, the Owner shall engineer, bond and construct both the on-site and the off-site portions of the connection to Commonwealth Drive on the "Comdial Property" provided that easements and acquisition of right-of-way as may be necessary for such construction for the connection through off-site properties for this improvement have been granted at no cost to the Owner, and the request for such connection through the off-site property is made by the County prior to October 15, 2020. Upon the request of the County, the connection shall be completed by the Owner within twelve (12) months from the date of satisfaction of the conditions as set forth above.

13. **Other "Super Block" Street Connections:** The Owner shall reserve land and grant construction and permanent access easements or right of way at no expense to the County for the purposes of future construction (by others) of inter-parcel street connections within the "Super Block" at the following locations; First Street (to west to Commonwealth Drive), Third Street (to west to Commonwealth Drive), Cedar Hill Road Extended (in Block F north to "Comdial Property"), Fourth Street (between Blocks F and G north to "Comdial Property"), Swanson Road Extended (to north to "Sperry Property") and at two additional locations into Sperry Property.

The locations for easement or right of way reservation and dedication are as generally depicted on Exhibit A and labeled thereon as "Future Extension." However, the locations and numbers of such inter-parcel street connections may be modified by the Owner upon a variation granted by the County Planning Director. These easement or right of way locations shall be identified, platted and dedicated at the request of the County in conjunction with subsequent site plan applications for Albemarle Place.

14. **Substituted Transportation Improvements.**

- A. In lieu of constructing the improvements referenced in Paragraph 8(B) herein, which Paragraph 8(B) refers to certain off-site improvements in the City of Charlottesville at the northwest quadrant of the Hydraulic Road/Route 29 intersection, and also other improvements along the City side of Route 29 between Hydraulic Road and Greenbrier Drive, which improvements are collectively hereinafter referred to as the "Paragraph 8(B) Improvements", the Owner may elect, in its sole discretion, and on the terms and conditions contained in this Paragraph 14, to contribute cash to the City for certain transportation improvements in the City known as the "Rte. 29/250 Bypass Interchange Improvement Project" identified as VDOT and City project number 0029-104-248 (the "Substituted Improvements Project").

- B. In the event the Owner elects to contribute cash toward the Substituted Improvements Project (the "Owner's Contribution") in lieu of constructing the Paragraph 8(B) Improvements, the following terms shall apply:

1. The Owner shall notify the County's Director of Community Development (the "Director") in writing of its election within sixty (60) days after the approval of the first final site plan for Phase 1 of Albemarle Place (the "Notice"). The Owner shall also send a copy of the Notice to the City Development Services Manager at the same time it is sent to the Director.
2. The submission of the Notice to the Director shall suspend the deadline for the Owner to submit the Plans (as "Plans" is defined in Paragraph 8(B)) to the City, if applicable.
3. The amount of the Owner's Contribution to the Substituted Improvements Project shall be subject to a written agreement between the Owner and the City (the "City Agreement"). Within ten (10) days after full execution of the City Agreement, the Owner shall provide a copy of the City Agreement to the Director.
4. Within six (6) months after the Notice is sent to the Director, or within sixty (60) days after execution of the City Agreement, whichever is later to occur, the Owner shall contribute a portion of the Owner's Contribution to the City in the amount of One Million Dollars (\$1,000,000), less any amounts credited by the City and VDOT to the Owner for planning and design work on the Paragraph 8(B) Improvements (the "Net Contribution"). The Net Contribution may be in the form of cash or a letter of credit issued by a bank approved by the City, or a combination thereof. The City Agreement shall set forth the terms of and schedule for draw down of the Net Contribution.
5. In the event that the Substituted Improvements Project is terminated, or has not otherwise been completed (as described herein) within thirty-six (36) months after the City receives the Net Contribution (which thirty-six (36) month period may be extended by mutual agreement of the Charlottesville City Manager and the Albemarle County Executive), and upon the City's refunding of the Net Contribution to the Owner pursuant to the City Agreement, the Owner shall forward funds equal to Five Hundred Thousand Dollars (\$500,000) to the County for

funding transportation improvements in the vicinity of the U.S. Route 29/Hydraulic Road intersection identified in the County's Capital Improvements Program. In the event such funds have not been expended by the County for the stated purpose within ten (10) years from the date the funds were contributed to the County, all unexpended funds shall be refunded to the Owner. Construction of the Substituted Improvements Project shall be deemed complete when the improvements are accepted by the appropriate public entity or are bonded for the entity's acceptance.

6. Notwithstanding the provisions of Paragraph 14(B)(5) herein, upon the City's receipt of the Net Contribution, the Owner shall be relieved of any obligation to construct the Paragraph 8(B) Improvements.

WITNESS the following signature:

**ALBEMARLE PLACE EAAP, LLC,**  
a Delaware limited liability company

By: Edens Albemarle, LLC,  
a South Carolina limited liability company, its manager

By: (Signed) Jodie W. McLean  
Jodie W. McLean, President

Agenda Item No. 10. **Public Hearing:** FY 2011 Budget Amendment and Appropriations.  
(Advertised in the Daily Progress on August 28, 2011.)

Ms. Lori Allshouse, Director of Budget and Performance Management, summarized the following executive summary which was forwarded to Board members:

The Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of the new requested FY 2011 appropriations, itemized below, is \$696,107.17. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2011 Budget Amendment totals \$3,492,355.98. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$ 96,580.00
Special Revenue Funds	\$ 187,727.20
School Fund	\$ 46,162.37
School Self-Sustaining Funds	\$ 745,774.21
Emergency Communications Center	\$ 122,099.00
Capital Improvements Funds	\$ 2,294,013.20
<b>TOTAL ESTIMATED EXPENDITURES – All Funds</b>	<b>\$ 3,492,355.98</b>

**ESTIMATED REVENUES**

Local Revenue (non-tax)*	\$ 104,588.91
State Revenue	\$ 693,498.75
Federal Revenue	\$ 661,912.12
Loan Proceeds	\$ 400,000.00
General Fund Balance	\$ 2,092,380.00
Storm Water Fund Balance	\$ (800,000.00)
Other Fund Balances	\$ 339,976.20
<b>TOTAL ESTIMATED REVENUES – All Funds</b>	<b>\$ 3,492,355.98</b>

\*The local revenue in this amendment includes \$30,893.87 in donations, a \$21,344.45 reimbursement from ACSA, \$21,900.00 in cable royalties, and \$30,450.59 in grants and miscellaneous local revenue.

The budget amendment is comprised of twenty-four (24) separate appropriations as follows, 20 of which have already been approved by the Board as indicated below:

Approved April 6, 2011:

- Two (2) appropriations (#2011070 and #2011072) totaling \$42,148.46 for various School Division programs;
- One (1) appropriation (#2011071) totaling \$187,727.20 to re-appropriate funding for the purchase of replacement vehicles for the Police Department;

- One (1) appropriation (#2011073) totaling \$3,000.00 from the Board's contingency reserve to fund expenses associated with the 2011 Prisoner Reentry Summit to be held in April 2011. This appropriation did not increase the total County budget; and
- One (1) appropriation (#2011074) totaling \$190,000.00 in Safe Routes to Schools Grant funding from the Virginia Department of Transportation for an extension of the Crozet North Sidewalk improvements.

Approved May 4, 2011:

- Three (3) appropriations (#2011075, #2011076, and #2011079) totaling \$45,034.49 for various School Division programs and
- One (1) appropriation (#2011078) totaling \$74,829.00 for the Emergency Communication Center (ECC) for a five-year maintenance contract that covers the 800 MHz in-building equipment in 26 public buildings.

Approved June 1, 2011:

- One (1) appropriation (#2011077) totaling \$2,000,000.00 for Capital Improvement Plan projects from the FY 2009/10 undesignated fund balance;
- One (1) appropriation (#2011080) totaling \$21,344.45 for the Crozet Streetscape Phase 2 project received from the Albemarle County Service Authority for expenses incurred by the County for the waterline construction component of the project;
- One (1) appropriation (#2011081) totaling \$117,800.00 for advance payment to the Central Shenandoah Criminal Justice Training Academy for the Sheriff's Office, Police Department and Emergency Communications Center's training costs to be incurred in FY 2012;
- One (1) appropriation (#2011082) totaling \$82,668.75 for the ACE program from the Farmland Preservation's Local Purchase of Development Rights (PDR) Program; and
- One (1) appropriation (#2011083) totaling \$3,844.63 for school division donations.

Approved June 8, 2011:

- One (1) appropriation (#2011084) totaling \$21,850.00 for two reimbursable Emergency Management grants for the Emergency Communications Center (ECC).

Approved July 6, 2011:

- One (1) appropriation (#2011085) totaling \$1,275.05 for school division donations;
- One (1) appropriation (#2011086) totaling \$4,200.00 for Fire Rescue donations; and
- One (1) appropriation (#2011087) totaling a net amount of \$0.00. This appropriation recognized \$800,000.00 in loan proceeds from the Virginia Resources Authority, as the Department of Environmental Quality's (DEQ's) financial agent and an offsetting \$800,000.00 reduction in the use of Stormwater fund balance to support the County's CIP Stormwater projects. This appropriation did not increase the budget.

Approved August 3, 2011:

- One (1) appropriation (#2011088) totaling \$3,256.78 for school division donations and
- One (1) appropriation (#2011089) totaling a net amount of \$0.00. This appropriation amends a previously approved appropriation, #2011087, of funding received from the Virginia Resources Authority to more accurately reflect both components of the revenue in the County's financial accounting system. \$400,000.00 of the loan will be identified as "loan proceeds" and \$400,000.00 in forgivable loan proceeds will be identified as "a grant." This appropriation did not increase the budget.

The three (3) new appropriations and one (1) appropriation correction requested for Board approval on September 7 are as follows:

- Three (3) appropriations (#2011090, #2011091, and #2011092) totaling \$696,107.17 for school division programs; and
- One (1) appropriation correction (#2011088) totaling \$270.00.

After the public hearing, staff recommends approval of the FY 2011 Budget Amendment in the amount of \$3,492,355.98, approval of Appropriations #2011090, #2011091, and #2011092, and correction of Appropriation #2011088 to provide funds for various local government and school projects and programs described in Attachment A:

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Attachment A

<b>Appropriation #2011090</b>	<b>\$ 204.28</b>
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Revenue Source:	Donations	\$	204.28
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This request is to appropriate a \$204.28 donation awarded to Henley Middle School from Henley's Parent and Teacher Support Organization. The donor requested that their contribution be used to help fund the "Enrichment Time before 9" program for the month of June, 2011. This request is to align the budget with the expenditures which occurred during the FY 10/11 School year. This appropriation was approved by the School Board at its July 14, 2011 meeting.

<b>Appropriation #2011091</b>	<b>\$68,305.72</b>
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Revenue Source:	Donations	\$	10,305.72
	Grants	\$	6,000.00
	Fund Balance	\$	52,000.00

This request is to appropriate \$68,305.72 in School Division donations, grants, and fund balance to align revenues received in FY 10/11 with appropriations. These appropriations were approved by the School Board at its August 11, 2011 meeting.

The specific appropriation requests are described below:

Western Albemarle High School was awarded a grant in the amount of \$750.00 from the Exxon Mobile Educational Alliance Program. These funds are to be used to purchase Science and Math instructional supplies.

Monticello High School was awarded a grant in the amount of \$250.00 from the Nest Realty Group. These funds are to be used to plant vegetables and flowers in an existing garden as a project of the school's Ecology classes.

Greer Elementary School was awarded a Target Field Trip grant in the amount of \$700.00. These funds are to be used towards a trip to the Paramount Theater.

Gloria Rockhold, in her professional capacity as an employee in the Office of Community Engagement, was awarded a grant in the amount of \$300.00 from the Optimist Club of the Blue Ridge. These funds were used to purchase materials for the Readers Theater in the Southwood summer program.

Greer Elementary School was awarded a grant in the amount of \$4,000 from the Bama Works Fund of Dave Matthews Band in the Charlottesville Area Community Foundation. These funds are for the creation of a mosaic mural art project at the school during the FY 10/11 school year.

In FY 09/10 federal funds were provided to the state pursuant to the American Recovery and Reinvestment Act (ARRA). The state provided ARRA funds to Albemarle County to fund capital technology purchases, improve technology infrastructure, provide four FTEs in technology staffing, and purchase testing materials. The School Division requests that \$52,000.00 in ARRA-State Stimulus Fund FY 09/10 fund balance be moved forward into the FY 10/11 budget to align revenues with appropriations in FY 10/11.

Jack Jouett Middle School received \$336.49 and Stony Point Elementary School received \$3,532.31 in reimbursements for field trips. These funds are reimbursements for field trips which occurred during the FY 10/11 school year.

Hollymead Elementary School received a donation in the amount of \$500.00 from Amber Aiken. The donor requested that this contribution be used to help with any needs in the Special Education program at Hollymead Elementary School.

The Community Public Charter School received \$5,936.92 in donations from anonymous donors to be used for payroll and benefits. The mission of the Community Public Charter School is to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles; developing the whole child intellectually, emotionally, physically and socially. Seeking to serve students who have not succeeded in school, the program works to close their achievement gap by offering a balance of literacy tutorials and an arts-infused curriculum in support of the Division's strategic plan. The Community Public Charter School is responsible for the following major programs and/or services: 6th and 7th Grade Instructional Program, Literacy and Arts Infused Education, Choice Theory School Development; and Mastery Learning.

<b>Appropriation #2011092</b>		<b>\$627,597.17</b>
Revenue Source:	Federal Revenue	\$ 627,597.17

This request is to appropriate \$627,597.17 in Federal Education Jobs funding for the School Division as approved by the School Board at its November 10, 2010 meeting. Information regarding this appropriation request was provided by the School Division to the Office of Management and Budget on July 29, 2011. The delay in bringing this item to the Board of Supervisors is the result of an administrative oversight. \$441,390.96 in funding has been received by the County and as of August 24, 2011, the School Division has requested the remainder of \$186,206.21 for reimbursement from the state.

The following information regarding this appropriation request was provided to the School Board at its November 10, 2010 School Board meeting:

*"The federal Education Jobs Fund legislation was signed into law on August 10, 2010. The primary purpose of the Education Jobs Fund legislation is to provide additional funding to states for the support of local teacher (and other school-level personnel) salary and related costs at the early childhood, elementary, and secondary school levels. As these funds are available on a one-time basis only, it is critical that local planning for the use of the funds reflect this one-time availability. These funds will be used to offset the costs associated with the un-projected enrollment growth of 185 students and 11.07 FTE. The total cost of the FTE is anticipated to total \$627,597.17."*

<b>Appropriation #2011088 - Correction</b>		<b>\$ 270.00</b>
Revenue Source:	Donations	\$ 270.00

This is to correct appropriation #2011088 which incorrectly appropriated \$3,256.78 in donations to Henley Middle School in FY 10/11 due to a keying error in the Office of Management and Budget. The correct total is \$3,526.78, requiring an increased appropriation of \$270.00.

Ms. Allshouse concluded that the appropriations being requested by the Board for approval today are all School Division appropriations that have been approved by the School Board. She said that staff requests that after the public hearing the Board approve the budget amendment and additional appropriations in Attachment A.

Mr. Rooker asked for clarification under "Estimated Revenues" a storm water fund balance of negative \$800,000.

Ms. Allshouse explained that the County had to clarify where they had a loan and a grant and had to do an adjustment, so there was a positive and negative that netted out to yield a zero appropriation.

Mr. Davis clarified that it was the VRA loan, of which \$400,000 is a grant and \$400,000 is a loan.

The Chair opened the public hearing.

There was no public comment provided, and the Chair closed the public hearing and the matter was placed before the Board.

Mr. Rooker **moved** to approve the proposed FY11 budget amendment in the amount of \$3,492,355.98 and to approve Appropriations #2011090, #2011091, #2011092 and correction of Appropriation of #2011088 for various school and general government programs. Mr. Dorrier **seconded** the motion.

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

AYES: Ms. Mallek Mr. Rooker, Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: None.

APP #2011-090							
DATE 09/07/2011							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on July 14, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318100	181109	6599	204.28	Donations
4	2000	62252	461101	160300	6252	189.76	Stipends-Instructional
4	2000	62252	461101	210000	6252	14.52	FICA
<b>TOTAL</b>						<b>408.56</b>	

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APP #2011-091							
DATE 09/07/2011							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on August 11, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318100	181109	6599	4,368.80	Donations
3	3104	63104	318000	181324	6599	700.00	Grant Revenue
3	3104	63104	318000	189900	6599	5,300.00	Grant Revenue
3	3163	63163	351000	510100		52,000.00	Fund Balance
3	3380	63380	318100	181080	6280	5,936.92	Charter School Donations
4	2000	62205	461102	601300	6105	500.00	Ed & Rec Supplies
4	2000	62211	461101	420100	6111	3,532.31	Field Trips
4	2000	62253	461101	420100	6253	336.49	Field Trips
4	3104	63104	460700	420100	6104	700.00	Field Trips
4	3104	63104	460700	601300	6104	4,000.00	Ed & Rec Supplies
4	3104	63104	460700	601300	6302	750.00	Ed & Rec Supplies
4	3104	63104	460700	601300	6304	250.00	Ed & Rec Supplies
4	3104	63104	461101	601300	6599	300.00	Ed & Rec Supplies
4	3163	63163	461101	800100	6599	1,160.00	Machinery/Equipment - New
4	3163	63163	466200	114300	6599	37,262.22	Salaries - Other Technical
4	3163	63163	466200	210000	6599	2,655.55	FICA
4	3163	63163	466200	221000	6599	3,508.20	VRS
4	3163	63163	466200	231000	6599	7,045.00	Health Insurance
4	3163	63163	466200	232000	6599	266.00	Dental Insurance
4	3163	63163	466200	241000	6599	103.03	Group Life Insurance
4	3380	63380	461101	112100	6280	5,515.03	Salaries - Teacher
4	3380	63380	461101	210000	6280	421.89	FICA
<b>TOTAL</b>						<b>136,611.44</b>	

<b>APP #2011-092</b>							
<b>DATE 09/07/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Appropriations from School Board meeting on November 11, 2010							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	3162	63162	333000	330038	6599	627,597.17	Federal Revenue
4	3162	63162	461178	112100	6599	502,461.14	Salaries-Teacher
4	3162	63162	461178	210000	6599	38,437.59	FICA
4	3162	63162	461178	221000	6599	35,399.58	VRS
4	3162	63162	461178	231000	6599	48,561.16	Health Insurance
4	3162	63162	461178	232000	6599	1,697.63	Dental Insurance
4	3162	63162	461178	241000	6599	1,040.07	VRS-Group
<b>TOTAL</b>						<b>1,255,194.34</b>	

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<b>APP #2011-088</b>							
<b>DATE 09/07/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Appropriations from School Board meeting on June 23, 2011; This corrects the original 2011088 appropriation form from the August 3, 2011 meeting.							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3	2000	62000	318100	181109	6599	3,526.78	Donations
4	2000	62252	461101	134100	6252	2,396.66	Part Time - Teacher Aids
4	2000	62252	461101	160300	6252	879.50	Stipends-Instructional
4	2000	62252	461101	210000	6252	250.62	FICA
<b>TOTAL</b>						<b>7,053.56</b>	

**Note: The Board took a recess at 10:51 a.m. and reconvened at 11:04 a.m.**

Agenda Item No. 11. Local Climate Action Planning Process (LCAPP) Final Report.

The following executive summary was provided to Board members:

The Local Climate Action Planning Process (LCAPP) is an effort by the County of Albemarle, the City of Charlottesville, and the University of Virginia to work collaboratively on the regional topic of energy and greenhouse gas emissions reduction. Each entity has made individual public commitments to reduce energy consumption and associated emissions (i.e. Cool Counties Resolution, U.S. Mayors Climate Protection Agreement and internal policies) and LCAPP was formed to give guidance to help meet those goals. In January 2009 the Planning and Coordination Council (PACC), the Albemarle County Board of Supervisors and Charlottesville City Council endorsed the collaborative effort to form LCAPP. (See Resolution adopted by the Board, Attachment A) In May 2009 senior executives from the County of Albemarle and the City of Charlottesville extended an invitation to local community representatives to serve on a multidisciplinary Steering Committee leading a *Local Climate Action Planning Process* (LCAPP). (See Attachment B) Over an 18-month period the LCAPP Steering Committee, supported by a network of more than 50 local subject matter experts, local business representatives and other interested parties, examined best practices to assess their appropriateness and effectiveness for the community. The community has been involved most notably through a workshop in February 2011, in which was attended by approximately 100 community members.

The attached final report (Attachment C) is submitted to the County, the City and UVA on behalf of the LCAPP Steering Committee.

Staff will provide an overview of the LCAPP report at the Board's meeting of September 7, 2011. In the opinion of staff, the efforts associated with LCAPP represent a sensible, responsible and locally focused approach to reducing energy use and emissions.

The Board can consider if the LCAPP Report provides adequate, appropriate and timely information for staff to integrate recommendations and strategies into the County's Energy Management and Conservation Program.

Staff believes there is no budget impact related to this executive summary.

Staff recommends that the Board:

- 1) Accept the principles and next steps recommended by the LCAPP Steering Committee as guidance and direction for the County with respect to the subject of energy and emissions;
- 2) Continue to support efforts to utilize resources and mechanisms currently in place to accomplish actions that can result in measurable energy reductions and emission reductions; and
- 3) Build on local experience and successes to prioritize additional actions that promote progress toward reduction goals and commitments.

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Ms. Mallek stated that this is very exciting to her because she has been involved with the committee for a year and a one-half and it has been a terrific collaboration of people from many diverse perspectives.

Mr. Andrew Lowe, Environmental Compliance Manager, addressed the Board, stating that he is presenting the report on behalf of the Local Climate Action Planning Process Steering Committee, thanking colleagues from the City and U.Va. for helping with the process and recognizing the significant public support. He said that the process has been a joint effort by the County, City and U.Va. All three entities have been working on separate initiatives regarding climate protection and energy management. In 2006, he said, Charlottesville made a public comment through a resolution supporting the Mayor's Climate Protection by the U.S. Conference of Mayors; similarly, Albemarle County in 2006 passed a resolution supporting the intent of the U.S. Mayors Climate Agreement. He stated that in December 2007 Albemarle Supervisors passed a resolution supporting the U.S. Cool Counties Climate Stabilization Declaration, and at the same time the University had been working on emissions studies and energy reduction strategies. In the interest of all three community entities trying to achieve similar goals, Mr. Lowe explained that an effort to work collaboratively on these issues came to fruition.

He referenced a slide presented showing a 2000 baseline study of emissions data, including the entire region – with U.Va. included in the "Commercial/Institutional" section (28%), contributing 10% of the overall energy and emissions associated with the region. Mr. Lowe said that the largest individual sector is transportation/commercial (38%) – which would be about 18% without U.Va.; the residential sector comprises 24%. He stated that the municipal sector is a total of 4% and includes local government and school operations for both the County and City. Mr. Lowe said that they also look at the "combined built environment" that would include both residential and commercial – excluding U.Va. (18%) from the commercial and adding it to residential, the built environment is 42%, which shows the two largest sectors being built environment and transportation.

Mr. Snow asked if the 80% reduction mentioned refers to each section.

Mr. Lowe explained that the entire pie would shrink, not necessarily coming out of every section equally or all coming out of one section. He also said that the goal of non-binding Cool Counties resolution was an 80% reduction by 2050 community-wide, which would be Albemarle County's geographic area – slightly different than the combined chart. Mr. Lowe stated that the 80% is community-wide so the total of the pie chart is a per-unit of metric tons of equivalent carbon dioxides.

Mr. Rooker pointed out that the resolution deals with emissions, not energy use. This does not presume an 80% reduction in energy use – it presumes an 80% reduction in emissions. He noted that Chesapeake has converted all their vehicles to compact natural gas, which produce a lot less emissions and would save \$14,000 per year per truck - \$740,000 per year according to the Virginia Town & Country magazine. There are all kinds of ways you can reduce emissions without reducing energy use; there is no presumption here that energy use itself is going down by some drastic amount – in fact energy use we know increases, with people using more computers, etc. Mr. Rooker pointed out that new federal standards were recently announced for transportation vehicles, which localities would have little part in.

Mr. Boyd pointed out that it was done by Presidential decree.

Mr. Rooker agreed, but noted it is been done that way by many Presidents, including Nixon. He said that without some action by somebody, we might still be in a situation with commercial vehicles getting six or seven miles to the gallon – using leaded gasoline. He said that he does not know if there is a civilized country in the world that does not have some kind of emissions standards on vehicles.

Mr. Boyd asked why CO2 emissions are the sole measurement of whether or not we are protecting our environment.

Mr. Lowe responded that this is an equivalent carbon dioxide equation so it takes into account all greenhouse gases – nitrous oxide, sulfur oxides, methane and carbon dioxides and equates those to what they represent as a carbon dioxide. He stated that there are other particulates in the atmosphere, but this just gives it a carbon equivalent.

Mr. Boyd asked who defines that.

Mr. Lowe replied that the scientific community and the international and national EPA have researched the carbon equivalent methods, so it is set at a high level scientifically.

Ms. Mallek noted that it is a way to establish a single pie chart instead of having numerous measurements, with an eye toward improving efficiency.

Mr. Boyd stated that there seems to be a lot of discussion in the scientific community lately as to how much is manmade and how much is natural.

Mr. Lowe said that this effort is focusing on manmade, as that is what can be controlled.

Mr. Boyd said that he has been reading and seeing lately that says if we did away with all human-generated carbon emissions it would be miniscule in terms of the impact to the environment.

Ms. Mallek stated that is really only one side of the opinion.

Mr. Snow said that this chart says the effort addresses emissions. He then referenced a resolution adopted in California which talked about reducing greenhouse gas emissions.

Mr. Foley commented to Mr. Lowe that he might want to explain the relationship between energy and emissions as there seems to be some confusion.

Mr. Snow stated that the discussion seemed to change from gasses to energy.

Mr. Lowe said that the chart deals with energy-based emissions – residential, commercial and transportation – with the residential sector for example using electricity and natural gas to heat and cool homes, and transportation using diesel and unleaded fuels. He explained that the methane coming off of the Keene Landfill is also a greenhouse gas pollutant but is not associated with energy use. A national statistic indicated that 87% of emissions are related back to energy use. Mr. Lowe noted that other sources include agricultural uses, but energy and emissions are correlated and emissions are a byproduct of energy use.

Mr. Snow asked again whether this means the intent is to reduce energy consumption by 80% also.

Mr. Rooker explained that coal burning generates much more emissions than natural gas, and cars that get better mileage produce less emissions than those with lower mileage standards. He said that sources such as wind, geothermal and solar have virtually no emissions – so no one is projecting reducing energy use by 80%, and this is just a nonbinding intent to reduce pollutants, some of which result from energy use. Mr. Rooker added that nitrogen and sulfur dioxide are just converted to CO2 units as a way to provide equivalencies so there is a reasonable standard for discussing what emissions are.

Mr. Foley stated that reductions in energy use and reductions in things like vehicle emissions all together are the targets to achieve the 80% goal.

Ms. Mallek said that another way to describe it is “increases in energy efficiency” so you get the same job done using less.

Mr. Snow commented that you still have to produce electricity.

Mr. Foley suggested that the presentation continue, noting that the LCAPP has some recommendations that are voluntary suggestions and guidelines, and Cool Counties is the opportunity to set a goal.

Mr. Lowe stated that Dominion would have to produce three times the amount of energy at its plants because its distribution system is so inefficient that only one-third of the energy actually makes it to a residence or business. He said that the Local Climate Action Process Steering Committee was facing a lot of interesting issues that they accepted they didn't have to address, and shifted from looking at it from a climate action basis to studying energy use. Mr. Lowe added that it started as a local movement with the three entities, which used the Planning and Coordinating Council (PACC) structure – going to PACC Tech for guidance and in some cases the full PACC. He said that in January 2009 the Board supported it with a resolution, along with the City of Charlottesville with a similar resolution, and that resolution started the process of working collaboratively on these issues – energy efficiencies and climate protection – which also led to work on a grant application to form the Local Energy Alliance Program. Mr. Lowe reported that in May 2009 an invitation letter for the steering committee was sent out by the City Manager and County Executive, with U.Va. also participating. He said that in the two-year timeframe the steering committee met several times and a community workshop was offered in the County Building, with citizens providing important feedback on materials presented and areas that needed to be considered. Mr. Lowe stated that this final report has been submitted to PACC Tech, PACC, City Council and now the Board of Supervisors.

He explained that the steering committee represented a wide range of community members from the community at large – and specific sectors of that – with University leaders, elected officials, business leaders and scientific experts. Mr. Lowe said that representation included members of the homebuilders community, the Chamber of Commerce, environmental interests and the community at large. He reported that their first meeting was August 2009 with their last meeting in July 2011, and every member stuck with the process and provided input throughout the entire timeframe. All the steering committee members signed the letter associated with the report and supported the consensus of the report. Mr. Lowe added that there was a workgroup structure that provided some of the hard research and information to the steering committee, with over 50 local individuals who were both users of energy-efficient measures such as homebuilders and transportation or energy experts. He noted that one of the first products that came out of the process was a “Five-Part Framework for Our Community Energy Profile”, with emissions being closely related to the way in which energy moves throughout the community. Mr. Lowe said that it is no

mistake that “energy in the built environment” and “energy and mobility” are the first two categories as they are the biggest users and have the structure in which things can be addressed more quickly.

Mr. Boyd said that he does not see a single thing on the slide that the County has not been practicing for many, many years, both in the private and public sectors, before this group was put together.

Mr. Lowe stated that part of the process has shown that a recommitment to the areas in which there has been focus previously – such as building to green standards and promoting energy efficiencies for residents – was reconfirmed through this process. He said that there have been a few new items, but the steering committee did not want to be prescriptive on getting down to the minute detail of how the City Council, Supervisors, or U.Va. should address each of their entities. They left it at high level and principle level recommendations so that the community internally can choose how to move forward with things.

Mr. Boyd said that he is trying to determine in his own mind what the concept of Cool Counties had to do with studying things the County is already doing, or why that drove or helped this process.

Ms. Mallek said that there was an awful lot the community did not know before about what was happening locally and where the community stood, and the process also helped educate and offer information to people who want it.

Mr. Boyd stated that most of this is common sense stuff. Most of the business people he knows have been looking at energy efficiency and improving their bottom line for a long time.

Mr. Rooker said it helps to provide a forum to share ideas about how to best accomplish things they want to accomplish individually. He added that these Board members are “old,” and if you talk with young business people they want to live in an area that has some emphasis on the environment.

Mr. Boyd asked if they really need this effort to teach them how to do this.

Mr. Rooker stated that this is the same as economic development, with the County taking a leadership position.

Mr. Boyd said that he has always felt that the County should stay out of the way of business.

Mr. Rooker asked if that is why there is a big economic development program in which staff and government resources are being spent on. Why do you need all this infrastructure and staff working on things to “stay out of the way”. He added that part of Mr. Boyd’s goal is to have Albemarle considered more business-friendly, and that is a perception issue – and a lot of showing that you care about the environment is a perception issue also.

Mr. Boyd asked Mr. Rooker if phrases or buzzwords demonstrate that the County is community-friendly.

Mr. Rooker responded that there are buzzwords in the economic development plan also, and there is importance in taking some community leadership in various areas – including the environment.

Ms. Mallek commented that the community surveys have certainly interested that citizens are very interested in it.

Mr. Dorrier expressed concern about the cost of doing these measures and/or mandating some of them.

Ms. Mallek reiterated that this is completely voluntary.

Mr. Rooker reiterated that nothing is being mandated here, adding that the Cool Counties initiative and the LEAP program – which has generated several million dollars for the local community – were both voluntary programs. Albemarle County did not put any money into it.

Mr. Foley noted that the LCAPP report represents the first regional effort with government and business working together to set some principles that would be guidelines for the future. Albemarle County and the City of Charlottesville have been leaders in sustainability for many years, and this kind of gets our whole community on the same page. In terms of what it prescribes to do, he said, it sets out guidelines and the County can apply whatever resources it wants to – but that is a decision the Board would have to make. Mr. Foley stated that in considering the Cool Counties resolution, it called for regional targets that would be established and LCAPP has not set regional targets – it has instead set some measures and guidelines that would help move the County’s program forward.

Mr. Boyd stated that he is not criticizing the report; he is just trying to understand some pieces of it and some of the rationale behind it.

Ms. Mallek cited an example of the Waldorf School wanting to have a shed roof to collect rainwater, with ARB standards in competition with that – so the Board had to make changes and modernize its approach. This is just the same background, same idea.

Mr. Boyd said that is an example of the County getting out of the way of free market decisions that people want to make. He added that if the public has an interest in energy efficiency and green building the County should stay out of their way and let them move forward with it – encourage them even.

Ms. Mallek stated that this is really what is encouraging people and helping to provide some information.

Mr. Boyd said that the County shouldn't mandate it.

Mr. Rooker said there is no mandate in the resolution.

Ms. Mallek said that saying that is causing upset for no reason.

Mr. Thomas said that he has seen no mandate in the resolution.

Mr. Lowe stated that the steering committee focused attention on some co-benefit aspects of emissions reductions: 1) Environmental - mitigate global climate change, improve local air and water quality; 2) Financial - reduce monthly utility bills, savings to families and businesses; 3) Economic - create green jobs, strengthen local economy, attract new businesses; 4) Infrastructure - alleviate traffic congestion, reduce transportation costs; 5) Health - increase activity, reduce asthma, respiratory problems and obesity; and 6) Leadership - provide model for citizens, other communities, earn recognition.

Mr. Lowe said that the recommended principles are: 1) to continue to demonstrate leadership in energy and carbon reductions at the local level; 2) to build on existing synergies by continued collaboration of City, County, University of Virginia and community partners; 3) to integrate the role of energy and carbon emissions in projects and planning; 4) to identify and promote actions that enable the community to reap the health, economic, and environmental benefits that accompany sound energy-based decisions; and 5) to equip the community at all levels to make informed decisions about the impacts of carbon emissions and energy. Mr. Lowe commented that the fifth principle aligns with State goals, as a recent survey indicated that only about 50% of citizens felt they knew how their use of energy really affected their bottom line and bills. Mr. Lowe pointed out that one of the State's main goals is informing citizens, and the steering committee agreed that people need this information.

Mr. Lowe said that the steering committee has recommended two main next steps: 1) act on existing commitments to further address carbon and energy considerations in planning and operations: a) comprehensive and other planning efforts; b) *Action Plan* identifying near-term goals; and c) regular updates on progress toward reducing emissions; and 2) build on stakeholder involvement developed through the *LCAPP* to expand information exchange: a) celebration of local successes; b) *Community Toolkit*; c) annual meeting of management and project leaders; and d) community engagement.

Mr. Lowe said that in terms of the first recommendation, it could be in association with Cool Counties and emissions reduction but also internally through an energy management and conservation plan with schools and local government. There are also commitments from both the City and U.Va. In terms of acting on these commitments, Mr. Lowe said, the steering committee felt that the Comprehensive Plan and other planning efforts was a way to solidify some efforts, with a lot of them being a reconfirmation of previous commitments. He stated that there is a long-term goal of reducing emissions, but there are also near and mid-term goals that can be set relating more to emissions and energy on a 2022 or 2030 level, so there is flexibility in this plan. In terms of celebrating local successes, Mr. Lowe said that businesses have been touting their green energy efforts and energy efficiencies, and County government celebrates those successes as well as private industry. He noted that those entities do not have all the information they need, so part of the recommendation is to build on the framework action strategies to develop toolkits for residents, businesses and all community members to use.

Mr. Lowe explained that last month there was a resolution last month that about 65 local businesses participated in energy efficiency – reducing waste and reducing water – and those firms have said clearly that they need resources and information, as they are busy running a business not investigating environmental initiatives. He said that LEAP sees the same thing with residents. The residents have a life to live; they don't know the HVAC systems; and this is a resource. Mr. Lowe stated that the economic development team, City and County participated in the small business development workshop focusing on energy efficiencies and understanding utility bills – and the program was quite well received, with businesses stating their appreciation of the event. He noted the recommended principles and next steps, along with the action strategies associated with those five sectors. Mr. Lowe emphasized that the steering committee wanted each community to be able to pick and choose where they wanted to focus their energy.

In summary, Mr. Lowe reiterated the recommendations, part of which is considering the principles and next steps as guidance and direction associated with energy and emissions reductions, utilizing existing resources and mechanisms in place now to achieve reductions and energy use and emissions – and using the five-part framework and action strategies to evaluate, promote and encourage all residents, community members and the County on these commitments.

Mr. Dorrier asked why the County and City were only representing 4% of usage, and where the other 96% was coming from.

Ms. Mallek explained that the 4% only represents municipality usage – public buildings, schools, etc.

Mr. Rooker noted that emissions could be reduced in the area of transportation by improving the public transit system where vehicle use is lessened; converting vehicles to something other than gas-burning reduces emissions. There are areas where the County can lead and there are areas where the County cannot, but it helps to provide information to people so they can make their choices and save

themselves the most money and at the same time reduce emissions. He said that this group has been a catalyst for meetings and distribution of educational information that help people reduce emissions and also save money.

Mr. Dorrier said that the recommended principles and recommended next steps are right on point.

Mr. Boyd asked what the cost is to implement the next steps, and asked if there is a big marketing campaign associated with this initiative.

Mr. Foley stated that that's a good question, but today what is before the Board is whether these principles make sense for guidance. It does not commit the Board to how much money is being spent on this. He said that the specific items to be implemented would come back via five-year planning.

Mr. Boyd said that the problem with that approach is when the Board signs off on these principles, staff sort of takes it and runs with it and the Board never really knows how much it did cost us or what direction it took you in. He stated that he is not interested in spending money to come up with a cost justification, as the LCAPP group should have come up with that already.

Mr. Foley stated that the LCAPP group by design did not go to that extent, but intended to provide what they thought the community agrees upon as being good principles to follow. The degree to which you implement this and how much you spend is completely up to you. He reiterated that what is before the Board is the recommendations on guiding principles and strategies, and staff would come back to the Board and say what expenditure they would suggest. Staff thinks that endorsing these principles does not commit the Board to a certain level of spending.

Mr. Rooker said that every year the Board considers something called a "budget," whereby they make decisions as to how they spend the money – and it is helpful to go back in the Comp Plan to see if those decisions align with broader goals. Whether or not the Board allocates separate resources for those things is a budget decision every year.

Mr. Boyd stated that there was no Board decision made to support Mr. Lowe's position, and apparently Mr. Tucker felt that it was a direction the Board wanted to head in, and so he put that in his budget.

Ms. Mallek said that there has been tremendous support for environmental stewardship for years.

Mr. Rooker added that the Board at that time was much more environmentally oriented than the Board today. The Board provided that guidance; it was not staff driven. He added that the decision to spend any money on environmental issues in the community is a decision made each year at budget time, and hopefully the County would continue to devote resources there. These things are important for collaboration purposes. He thinks they are important for providing some perception among regional partners and among State partners, that Albemarle is a community that has an interest in that area. Mr. Rooker said that there will be new innovative ideas to reduce emissions that cannot even be envisioned today, so 40-year targets are a long iterative process – with no mandatory objectives being put on anybody. The question is, are we a community that recognizes that we are part of a larger world, and that what we do in this community has an impact in the larger world. He added that taking a leadership role is a good thing.

Mr. Boyd said that he and Mr. Rooker want the same objectives but have different approaches of getting there. He said that he has always wanted to be a good steward of the environment and does composting, recycles, keeps rain barrels, etc. He just does not see that government has to take the lead role in this because those inventions that Mr. Rooker talk about, they are going to come out of the private sector, they are not going to come out of government.

Mr. Rooker stated that a lot of them will come out of universities and university-funded research and will require government subsidy in the beginning. Mr. Boyd responded that that is because of private partnerships.

Ms. Mallek said that there other advantages that need to be emphasized here, as in the "Google world" companies are going to be researching communities before they locate here – noting that a business recently came and looked for space in Albemarle County because of its reputation of having a very strong environmental and sustainability ethic. They wanted to put their name in a place that was not contrary to that. Albemarle is not by itself in this whole effort. Governor McDonnell, the Commonwealth of Virginia Energy Plan and the State legislature direct efforts to researching cost benefits of sequestering greenhouse gasses. The State is tasked with trying to facilitate energy reductions by its residents. These are things coming from the Governor's office. She also mentioned recent conversations she had had with the Green Building Council about community efforts.

Mr. Boyd said that the Green Building Council did not need government to do that.

Ms. Mallek stated that this report is not saying government would be taking the lead on anything – it is simply creating a chapter in County history that says, "we think these things are important; and we think it's going to benefit our community as a whole."

She also read a paragraph from a letter written by the steering committee: "If we learned anything during this process, we learned that we want to take a positive approach to suggesting ways for lowering our community's energy consumption, and thus greenhouse gas emissions. Who would disagree with

saving money and creating jobs while making our buildings more energy efficient? All of us would like to spend less time in our cars and more time with our friends and families. New technologies that can help us create energy with less pollution are important to support. In general, the old adage 'waste not want not' is probably true when it comes to the things we buy, use and throw away. Wise conservation of our natural infrastructure is necessary to ensure that we have environmental services like the work that forests do to protect our water supplies and help us with storm water control."

Ms. Mallek said that this committee worked long and hard to try to gather up this kind of information, and it is unfair to turn this into a mandatory effort of any sort – because it was clear from the outset that these items would be nonstarters if they were required.

Mr. Foley stated that the specific staff recommendations are an effort to capture the work of this government and business group that got together to set some principles and guidelines together, which are not mandatory.

Mr. Boyd asked what those recommendations are.

Mr. Rooker pointed out they have been presented to the Board and are in front of them.

Mr. Boyd asked who would do the actions mentioned.

Ms. Mallek explained that it is going to be the community and the three different agencies with their own staff, but there would not be anyone hired to do them.

Mr. Foley said that the first recommendation is to accept the principles and next steps. Staff is suggesting that some principles be established that would guide what is done in the future which would have to come back to the Board. The second recommendation is to continue current efforts and utilize current resources to do the things already being done. The third recommendation is to promote progress and continue to talk about these things. Those are staff's recommendations based upon the work of this group as a concluding recommendation.

Mr. Boyd said he is not sure what that all means. He asked if the County, City and University would take a lead role in educating the public and the business community on these issues, or would LCAPP be doing this work with support from County staff.

Mr. Foley commented that those are next steps. In terms of actions today, if the Board is supportive of the principles but if the actions are contingent on how they will be implemented, staff would need to bring that information back to the Board.

Mr. Boyd said he supports everything Ms. Mallek just stated and encourages those things because they are common sense. The difference is how to get there and the role of government.

Mr. Dorrier said he is supportive of the principles and thinks the Board should get on board and support the committee.

Mr. Rooker then **moved** to adopt the recommendations as presented by staff: 1) accept the principles and next steps recommended by the LCAPP Steering Committee as guidance and direction for the County with respect to the subject of energy and emissions; 2) continue to support efforts to utilize resources and mechanisms currently in place to accomplish actions that can result in measurable energy reductions and emission reductions; and 3) build on local experience and successes to prioritize additional actions that promote progress toward reduction goals and commitments. These recommendations do not involve committing any additional dollars. He thinks it is important that the County participate with the University and City to make this a better place for citizens and nothing in this action commits any funding.

Mr. Boyd said that if that is the motion, he would support it.

Mr. Dorrier agreed.

Mr. Snow agreed, and **seconded** the motion.

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

AYES: Ms. Mallek Mr. Rooker, Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: None.

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Agenda Item No. 12. Cool Counties Climate Stabilization Declaration Resolution.

The following executive summary had been provided to Board members:

On June 8, 2011, the Board discussed whether to continue its support of the Cool Counties Climate Stabilization Resolution. (See Attachment A for the June 8<sup>th</sup> executive summary) During the June 8<sup>th</sup> discussion, the Board deferred any action until the Local Climate Action Planning Process (LCAPPP) Steering Committee could finalize and submit its report. The LCAPPP will present its report to the Board on September 7<sup>th</sup>, which will serve to inform the discussion of the Cool Counties Resolution. The Cool Counties Resolution is a voluntary, self-imposed long-term target to reduce County-wide greenhouse gas emissions 80 % from a baseline year of 2000 by 2050.

**The history leading to the Cool Counties Climate Stabilization Declaration Resolution**

On October 4, 2006, the Board unanimously adopted a resolution supporting the *intent* of a resolution adopted by the U.S. Conference of Mayors regarding the U.S. Conference of Mayors Climate Protection Agreement as part of the County's effort toward Green Building initiatives and sustainability. (Attachment B)

On February 7, 2007, staff provided a status report to the Board on progress and efforts made to increase sustainability in the four areas identified by the Board during the September 13, 2006 work session. (See Attachment C for the February 7, 2007 executive summary) The four areas were:

1. Work with the public to expand knowledge and benefits of green building
2. Work with development community to promote green building and remove obstacles
3. Work with County policy and operations to demonstrate and promote green building and overall efficiency
4. Amend the Comprehensive Plan in support of green building

During the Board meeting on July 11, 2007, Supervisor Rooker distributed the "US Cool Counties Climate Stabilization Declaration" and stated he would like to discuss it at a future meeting for possible adoption. Also during the July 11, 2007 meeting the Board unanimously approved CPA-2007-003, Green Building and Sustainability Amendment to the Natural Resources and Cultural Assets chapter of the Comprehensive Plan. (Attachment D)

The adoption of the "U.S. Cool Counties Climate Stabilization Declaration" resolution (Attachment E) was unanimously approved by the Board at its December 5, 2007 meeting. This resolution contained the following statements:

- i. Create an inventory of our county government (operational) greenhouse gas (GHG) emissions and implement policies, programs and operations to achieve significant, measurable and sustainable reduction of those operational GHG emissions to help contribute to the regional reduction targets as identified in paragraph ii; and
- ii. Work closely with local, state and federal governments and other leaders to reduce county geographical GHG emissions to 80 percent below current levels by 2050, by developing a GHG emissions inventory and regional plan that established short-, mid-, and long-term GHG reduction targets, with recommended goals to stop increasing emissions by 2010, and to achieve a 10 percent reduction every five years thereafter through to 2050; and
- iii. Urge Congress and the Administration to enact a multi-sector national program of requirements, market-based limits, and incentives for reducing GHG emissions to 80 percent below current levels by 2050. Urge Congress and the Administration to strengthen standards by enacting legislation to strengthen standards by enacting legislation such as a Corporate Average Fuel Economy ("CAFÉ") standard that achieves at least 35 miles per gallon (mpg) within 10 years for cars and light trucks.

We will take immediate steps to identify regional climate change impacts; and

We will draft and implement a county plan to prepare for and build resilience to those impacts."

Currently staff has completed an "Emissions Baseline Report" which summarizes the greenhouse gas and criteria air pollutant emissions for the County using a baseline year of 2000. Updates to the report for 2006 and 2008 have also been completed and included in the report. The goal of the program has been to continue tracking emission levels every 2 years. Staff can continue to monitor emission data using existing software for baseline and updates to keep the program moving forward. All information used in the software program remains on the County's internal hard drive and is not linked to outside entities. The energy data collected and used in the software program is aggregate level data from energy suppliers and not individual data.

In a subsequent effort to advance regional GHG reductions, the County, City and UVA formed a local steering committee to make recommendations for a strategic plan that would enable the three entities to reach their respective goals. The steering committee's charge, entitled Local Climate Action Planning Process (LCAPPP), was endorsed by the Planning and Coordination Council (PACC). A resolution passed unanimously by the BOS on January 14, 2009 endorsed this collaborative effort. (Attachment F) LCAPPP consists of over 70 local citizens from government, business, real estate, corporate, academia, and construction areas and have met regularly in an effort to formulate a GHG reduction plan to meet the goals in the Cool County Resolution.

The County has implemented administrative policies to assure that the County complies with environmental law requirements and best practices and to promote energy savings and efficiencies. (See Attachments G, H and I)

The Board can consider if the targets and principles articulated in Cool Counties Climate Stabilization Declaration Resolution are appropriate and still meet Albemarle County's vision statement and Comprehensive Plan goals. Alternatively, the Board could continue to support the resolution, but modify some of the specific targets. For example, the Board could set targets that are aligned with the Commonwealth of Virginia, which in 2010 passed a state-wide energy reduction goal of 10% by the year 2022.

A third alternative would be to rescind the Resolution of December 5, 2007 and direct staff to recommend new goals for the Energy Management and Conservation Program. Staff can compile benchmarking examples for direction on new targets and scope.

For internal operations Albemarle County has been a leader in pursuing energy reductions and has realized monetary savings as a result. The County can continue to provide leadership to the community at-large and help encourage the energy savings that lead to utility bill savings.

Staff believes there is no budget impact related to this executive summary.

It is the opinion of staff that the targets and goals set out in the Cool Counties Climate Stabilization Resolution are appropriate for Albemarle County and recommend the Board continue support of the resolution.

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Mr. Foley reported that the essence of what is before the Board is whether they want to have goals in place that drive what staff does in terms of the efforts based upon the Cool Counties resolution, which is a voluntary self-imposed long-term target to reduce County-wide greenhouse gas emissions by 80% from the baseline year of 2000 to 2050. He noted that it's not just something the County would do, but the whole community would share that goal. Mr. Foley said the way to go about doing that is mostly through voluntary efforts – promoting riding a bicycle to work, etc. – and while the LCAPP effort could have set very hard targets, it did not. He stated that after that the only consideration is how aggressive the Board wants the goal to be and what they will approve along the way to help get to that. Mr. Foley said if the Board wants to do something different than what staff is recommending, staff recommends coming back with established targets after hearing the Board's conversation.

Mr. Snow said that he supports LCAPP but Cool Counties is not a community-driven program and he would not support it going forward. He thinks the County can do it on a local basis. As new technologies become available the County does not need an international group telling it there are things out there that are more efficient and that the Board should adopt them. He thinks the County can do that on its own and working together as a community.

Ms. Mallek stated that Cool Counties began with Arlington and other counties in Virginia setting out a challenge of who can do better – and Albemarle County has won twice, and has won cash.

Mr. Lowe mentioned that the National Association of Counties now leads the effort.

Ms. Mallek said that NACo picked up the effort and it was a way to raise awareness of the big picture and how working together encourages a better future.

Mr. Dorrier mentioned the U.S. Mayors Climate Protection Agreement.

Mr. Rooker said that is not what is being discussed here.

Mr. Boyd asked what Cool Counties brings to the table.

Mr. Rooker responded that it helps foster a positive perception among the County's partners.

Mr. Boyd asked if it is just symbolic.

Mr. Rooker replied that it costs no money to participate in this resolution.

Mr. Boyd said that he recalled a budget proposal from Ms. Sarah Templeton for several million dollars to implement measures related to Cool Counties.

Mr. Foley clarified that it was a five-year proposal to help meet the 80% targets set but there was not sufficient funding.

Mr. Boyd said that doesn't mean if times get better staff would come back with another \$2 million proposal. He brought that up because Mr. Rooker said there were no costs involved with Cool Counties.

Mr. Rooker stated that at that time the Board would make a decision about whether to fund. He explained that there are various ways to achieve goals and some of them will incur costs, but they do not have to be adopted.

Mr. Boyd then asked if Cool Counties was a "propaganda-type thing" to prove that Albemarle is energy efficient and believes in the environment.

Mr. Foley reiterated that it establishes a goal.

Mr. Boyd asked if it is necessary for the County to sign onto what is now a national effort.

Mr. Rooker commented that it started in Fairfax County but was adopted by NACo. He said that he thinks it creates a perception among the County's partners, the state and the nation that this is a community that takes its participation seriously in acting as an environmental steward and in leading by example. He mentioned that the State has a climate energy policy and among things in the State statute

is promoting the generation of electricity through technologies that do not contribute to greenhouse gasses and global warming.

Mr. Boyd asked if the support of Cool Counties is used as leverage to try to get legislation through the federal government. It is like café standards and he does not know why Albemarle is getting that political at a national level.

Mr. Rooker said that he doesn't recall the County supporting any positions on national legislation.

Mr. Boyd said that Mr. Rooker had stated that Cool Counties would send a message to the rest of the world that Albemarle County belongs to it.

Ms. Mallek stated that it helps attract the kinds of businesses that value that type of thing, and the County has taken a role in things such as the triple-truck issue. She said that the current Governor of Virginia has a 10% reduction by 2022 as a state goal, and perhaps if something shorter term is desired that should be discussed. Ms. Mallek stated that a goal is something that inspires the County to do better, and you do better work if you have a goal to get there.

Mr. Snow said that he doesn't have any problem with goals and feel they are beneficial to communities and personal lives, but where he disagrees is with a specific reference in the U.S. Mayors Climate Protection Agreement.

Mr. Foley pointed out that the Board at the time was not comfortable with adopting the U.S. Mayors resolution and only supported the intent of it, so they did a separate resolution.

Mr. Snow stated that he was not comfortable with the statement in the U.S. Mayors resolution that "38 of the 141 countries that ratified the Kyoto Protocol are now legally required to reduce greenhouse gas emissions..." He said they are no longer just talking about a goal.

Ms. Mallek added that that was by their own decision.

Mr. Snow said that the very fact that this is all part of the resolution shows that somewhere somebody's got the idea that this is a good thing.

Mr. Rooker and Ms. Mallek stated that other people do think it is a good thing. Ms. Mallek pointed out that the U.S. never adopted the Kyoto Protocol.

Mr. Rooker said that Mr. Snow is not reading the resolution the Board adopted. None of the language Mr. Snow read is in the resolution adopted by the Board.

Mr. Snow stated that he didn't like the idea that it is a good thing to have legally required mandates.

Mr. Rooker said that the Board should focus on what they approved, which is in Attachment E and was not word for word anything that was handed to them.

Mr. Foley commented that if the Board wants to rescind that resolution, it can do so. The resolution adopted by the Board basically says that the County would set a target of that 80% reduction and work regionally to help achieve that. Mr. Foley said if that is not an appropriate target, the County can set a new target, but it basically talks about energy reduction and reduction in emissions. Those are the two purposes of all of this. If those are things Board members all agree with and they want to set a different target, staff can come back to you with a resolution that established what they agree on in terms of principles and set some different targets.

Ms. Mallek said that Attachment F is the one that was adopted most recently by the Board.

Mr. Dorrier asked what LCAPP endorsed.

Mr. Foley responded that U.Va. the City and County have all adopted different resolutions.

Mr. Boyd said that Attachment E is what the Board approved.

Mr. Rooker said that it is the resolution before the Board to decide whether to rescind it or not.

Mr. Boyd stated that he is in favor of rescinding it and adopting "our own Cool Counties for Albemarle County, rather than signing onto what is now an international group.

Ms. Mallek said that is going to require more staff time.

Mr. Rooker said that Mr. Boyd read the resolution before and voted for it, and didn't see anything objectionable in it.

Mr. Boyd said it was because Mr. Rooker convinced him that it was nothing more than an objective with no lasting sort of direction.

Mr. Rooker asked if the County has done anything that you did not vote for to date.

Mr. Boyd responded, "no", but he has learned a lot since then.

Mr. Boyd then **moved** to rescind the Cool Counties Climate Stabilization Declaration.

Mr. Snow **seconded** the motion.

Mr. Rooker commented that doing so will make a statement to our partners, the State and businesses that are interested in this area that Albemarle is not as interested in protecting the environment as many places are. He said that this resolution has nothing objectionable in it and he thinks rescinding it is a mistake.

Mr. Snow said he supports Attachment F.

Mr. Rooker suggested that they take them one at a time.

Mr. Boyd said he is going to recommend that Albemarle develop its own initiative.

Mr. Dorrier asked what the LCAPP position is on this issue.

Mr. Lowe stated that the recommended next step from the steering committee is to act on existing commitments, acting on Cool Counties – with U.Va. and the City having their own commitments. He said they voted in favor of staying in Cool Counties.

Mr. Foley pointed out that the three jurisdictions each have different goals but have decided to work together to achieve them.

Mr. Rooker added that the City's is more aggressive than the others.

Mr. Boyd asked why a resolution is needed that talks about what is going on in California, et cetera.

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

AYES: Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: Ms. Mallek and Mr. Rooker.

Mr. Foley said that at this point, the staff has no goals to work toward and it would be nice to have some direction as to what the Board expects from them.

Mr. Boyd asked why Attachment F would not cover it. It is a resolution that supports the County, City and University working collaboratively to address energy efficiency and climate change.

Mr. Foley said that the foundational goals of the program were established through Cool Counties, which was to shoot for a target. Staff would like to know how aggressively the Board would like to move because that will impact what staff brings back. He noted that the State and University have established different goals.

Mr. Snow asked if the County could just set its own goals.

Mr. Rooker asked what he suggests those goals be.

Mr. Foley said that staff could do some research on what the State and U.Va. are doing.

Mr. Boyd stated that that's the only thing out of Cool Counties is really providing, a goal.

Mr. Foley said he assumes the Board still wants to continue to work regionally. He said that it is important for the Board to make a statement as to where it stands on this. If they do not believe in climate change that is fine, but if it does believe in energy and emissions reduction, it is important to make that clear. Currently there is no target set.

Mr. Snow stated that the goals in the LCAPP report have five achievements listed and he would agree with those.

Mr. Foley said that staff could make reference to those in a resolution for the Board, adding that the only question is really whether they want to set a reduction target – because the LCAPP report sets no reduction targets.

Mr. Boyd responded that individual achievements could just be the targets and asked why a carbon standard is needed. Citing initiatives such as Energy Star and LEED certified buildings, and the waste management efforts, Mr. Boyd said these things all stand in and of themselves as demonstration of the County's commitment to the environment.

Ms. Mallek said that Albemarle could take a leadership role and needs to make a statement about its commitments to these efforts in energy.

Mr. Rooker noted that there have been numerous grants obtained locally because the community has been viewed to be on the cutting edge of supporting environmental issues, and some of these things

are perception. He mentioned that when Dominion Power made a decision about where to offer digital smart-meters in a community, they chose Albemarle because of its participation in ICLEI and Cool Counties and image as a leader. Perception is important in environmentalism. They picked this community and they rolled out a huge Service Star community that can save our citizens a lot of money and provide them with a lot more control over our homes, et cetera. Mr. Rooker said that the direction the County is heading in now seems to indicate it is afraid to be perceived as environmentally committed because the Tea Party has told the Board it is a bad thing and they can send out an email that says "We got Albemarle County out of ICLEI and we got Albemarle County out of Cool Counties." He stated that this is about a "notch on the gun" for them, and that is what this is about.

Mr. Snow disagreed, stating that this is an opportunity for the County to set its own goals and be aggressive about it. He does not think the Board needs an international organization.

Mr. Rooker said there is no international involvement here at all.

Ms. Mallek stated that NACo is the lead agency here.

Mr. Boyd asked if staff can bring back proposals based on these objectives, as to how to measure progress on the environment locally.

Mr. Foley said that staff can put together something that incorporates a lot of the principles today on which there was consensus, but the only question is whether targets to reduce emissions should be included.

Mr. Boyd said he does not.

Mr. Rooker said that not having targets is a mistake. Governor McDonnell just adopted a target. It goes across political spectrums. He stated that without any targets there is no direction, so all it does is to establish that localities take decisions into consideration that help reduce carbon emissions.

Mr. Boyd said they are disagreeing on the end product to which they want to get. For example, the first item under the Five-Part Framework is energy and the built environment – reduce energy demand in existing buildings. He is saying that the County can establish a goal for that item which is something that is tangible. Reducing carbon emissions for the entire County is a complicated issue which would take a lot of time to calculate.

Mr. Rooker pointed out that the measures taken through Cool Counties have saved local governments and schools \$400,000 to date.

Mr. Boyd commented that the County can check that one off since it has already been done.

Mr. Rooker and Ms. Mallek said you want to continue to do those things.

Mr. Foley asked if staff could at least bring back information about what others have done.

Ms. Mallek said that as a minimum the County should at least adopt the Governor's goal.

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Agenda Item No. 13. CIP allocation for FY12 VDOT Revenue Sharing Program.

Mr. David Benish, Chief of Planning, summarized the following executive summary which was forwarded to Board members:

On May 11, 2011, the Board adopted a Resolution (Attachment A) to participate in VDOT's FY12 Revenue Sharing Program and commit \$1.5 million in matching funds for the County's application of up to \$1.5 million in funding for the Broomley Road Bridge project. The County has subsequently received approval for the full \$1.5 million and the Revenue Sharing Program requires a dollar for dollar match from the locality.

The Board appropriated \$484,222 in FY 12 to be used for participation in the VDOT Revenue Sharing Program. In addition, there is a remaining balance of \$74,698 in Revenue Sharing funds appropriated in FY 11 that are available to be used for this match. Staff recommends that the Board appropriate the remaining amount of matching funds needed (\$941,080) from the Transportation Improvement Program (Local) funds. These funds were allocated to advance the completion of high priority transportation projects. The Broomley Road Bridge replacement project is considered one of three high priority bridge projects identified in the County's Priority List of Secondary Road Improvements and in VDOT's Six Year Secondary Construction Program.

Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. Re-appropriation of the FY 11 VDOT Revenue Sharing Program balance provides \$74,698 of available matching funds. Reallocation of \$941,080 from the Transportation Improvement Program funds for this match will leave a balance of \$655,170 in that fund for use on other priority projects.

Funding Source	Budget Code	Funding Amount
FY11/12 Revenue Sharing Program Alloc.	4-9010-41020-441200-950081-9999	\$484,222

FY 10/11 Revenue Sharing Program Balance	4-9010-41020-441200-950081-9999	\$74,698
FY 11/12 Trans Improvement Program-Local	4-9010-41020-441200-950136-9999	\$941,080
Total/Match Amount	n/a	\$1,500,000

Staff recommends that the Board approve the use of the FY 12 Revenue Sharing Program funds (\$484,222), the re-appropriation of the FY 11 Revenue Sharing Program balance (\$74,698) and the reallocation of some of the FY 11/12 Transportation Improvement Program (Local) funds (\$941,080) to provide the required match (\$1,500,000) to participate in the FY12 VDOT Revenue Sharing Program.

If approved, staff will present a formal appropriation request to the Board in October.

Mr. Benish added that the bulk of the funding is coming from the CIP Transportation Local Fund, which was set aside for priority improvements. It leaves a resulting amount of funds in that line item at about \$670,000.

Mr. Foley reiterated that staff is recommending that this be reallocated to the revenue sharing from the transportation money that is set aside.

Mr. Rooker **moved** to approve the use of FY12 Revenue Sharing Program funds (\$484,222), the re-appropriation of the FY 11 Revenue Sharing Program balance (\$74,698) and the reallocation of some of the FY 11/12 Transportation Improvement Program (Local) funds (\$941,080) to provide the required match (\$1,500,000) to participate in the FY12 VDOT Revenue Sharing Program. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier and Mr. Snow.

NAYS: Ms. Mallek, Mr. Rooker.

Ms. Mallek stated that VDOT now has a procedure that an RFP has to be issued for anything over \$5,000, which has completely endangered all rural road paving projects. Instead of going to pave Blufton Road, VDOT is now getting a consultant to write a RFP to get the bids to pave the road. It makes no sense because there is no design on these roads; they are just paved from side to side. She said that a \$100,000 project now costs \$425,000, and she is furious that the County's money is being wasted. Ms. Mallek stated that she is drafting a letter for the Board's review in objection that will go to Delegate Rob Bell and Delegate Steve Landes to try to straighten this out.

Mr. Rooker said it puts an end to common sense.

Mr. Snow agreed.

Ms. Mallek commented that it gives her no trust at all that VDOT seems to know what they are doing.

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#### Agenda Item No. 14. Review of County Grant Approval Process.

Ms. Lori Allshouse summarized the following executive summary which was forwarded to Board members:

For a number of years the County has secured grant funding for a host of projects, programs and initiatives which benefit County citizens. Recent economic challenges, coupled with the availability of Federal, State and regional grant opportunities to support economic and job growth, environmental efforts and many community health and safety initiatives, raised the County's interest and involvement in competing for grants.

While individual departments had varying experience with applying for and receiving grants, in 2009, the County recognized a need to develop consistent, effective, and efficient procedures for use by departments and outside agencies when applying for grant opportunities. The following initiatives were implemented in 2009:

- The County Executive created a Grants Team of County staff with experience in grant writing to develop procedures for and provide guidance to departments and agencies involved in grant application and administration.
- The Board adopted a Resolution authorizing the County Executive or his designee to act on behalf of the County to execute grant applications or proposals along with any necessary certifications and supporting or related contracts or documents required to retain or accept a grant, provided that such documents are approved as to form and content by the County Attorney. (Attachment A)
- The County Executive approved a County Administrative Policy regarding the application for and management of grants. (Attachment B)
- The County established an internal grant tracking process and initiated training programs to enhance the County's ability to write, obtain and manage grants.

In September 2010 the Board approved the establishment of a "Grants Leveraging Fund" with an initial funding of up to \$100,000 from the County's FY 09/10 year-end operational expenditure savings. Use of this fund is based upon a set of strict policies and guidelines so that the County's matching contributions would be used to support core County priorities and grants that would provide an adequate return on investment.

In May 2011, Ron White, the Director of Housing, who has extensive background in grants management, took a leadership role in providing guidance and oversight to departments when they are considering the pursuit of a grant, providing assistance with County process for outside agencies for which the County is a fiscal agent, and for coordination and management of the County's grant management processes and procedures, including the Grant Leveraging Fund, in addition to his other duties.

In June 2011, Board members requested additional information about the County's Grant Approval Process and ways to ensure that Board members are better informed regarding the County's pursuit of Grant Opportunities.

There are several different types of grant opportunities pursued by the County. There are grants which are on-going and reliable sources of funding that support governmental services and therefore are included in the County's annual budget, such as the Victim Witness Grant and the Community Corrections Grant. In addition, the Police Department has a history of success in obtaining Criminal Justice Department (DCJD) grants and continues to apply for and receive renewals of grants that have regularly been awarded to the County and approved by the Board in past years.

In addition, the County serves as the fiscal agent to other entities that receive grants such as the Emergency Communications Center (ECC) and the OAR-Jefferson Area Community Corrections Program (OAR). Other grant awards are periodically pursued by County departments after receiving approval by the County Executive's Office.

To provide the Board with the scope and range of grants received by the general government and other entities, attached is a spreadsheet outlining recent grant activities. (Attachment C).

To be successful in receiving grant awards, it is important that the County has an efficient grants application process which provides the County with flexibility to enable staff to be successful and meet the tight timelines associated with many grant offerings. At the same time, it is important that the Board be kept informed of grant initiatives.

The Board retains the ultimate control over grants because it must appropriate all grant funds for County Departments and non-County agencies, including any new matching funds, prior to the expenditure of grant funding by the County. In addition, there is time between a grant application and grant approval for staff to provide information regarding a grant and any fiscal impacts of the grant to the Board. One means of doing this is to provide grant application summaries to the Board on a regular basis as information items on the consent agenda. If the Board has concerns about any grant application, additional information can be provided to the Board for it to consider prior to the acceptance of a grant. The County Executive will continue to consult with the Board regarding any grant applications that may commit the County to ongoing funding obligations.

Grants can provide funding for critical citizen services that may otherwise be funded by general tax revenue or not funded.

To enable the County to continue to have the flexibility to be competitive in pursuing grant opportunities, while ensuring additional transparency and oversight by the Board, staff recommends the following:

- 1) that the County Executive continues to retain the authority provided by the Board in its May 2009 Resolution regarding the submission and approval of grant applications. (Attachment A).
- 2) that grant application summaries for general government grants be provided to the Board on a regular basis as consent agenda information items prior to grant funding being accepted or approved.
- 3) that the County Executive continue to consult with the Board regarding grant applications that may commit the County to ongoing funding obligations.

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Ms. Allshouse noted that Attachment C to the executive summary is a list of recent County grants. The total is \$6.4 million – one-half of which is public safety grants. Some of the renewal grants are part of the Board's annual budget which is reviewed and approved during the budgeting process.

Ms. Mallek commented that she is in favor of having the County Executive be in charge of sending these out because there are so many efforts it would be a real mistake to have staff come to the Board with every grant.

Mr. Snow said he supports staff's recommendations.

Mr. Boyd said that he is in favor of it also, but when there is any matching required from the County in dollars or staff time it should be brought to the Board.

Mr. Foley stated that the information would be included in the information provided on the Consent Agenda.

Ms. Allshouse asked if the Board wants a matrix of all the grant activity or the grant applications.

Mr. Rooker said the Board doesn't necessarily need to see the whole application, but it would be helpful to have a summary and a list of what grants have been applied for.

Mr. Snow expressed his appreciation to staff for going after these grants.

Ms. Allshouse responded that one-half of these are for public safety, which is really critical.

Mr. Rooker **moved** to approve staff's recommendations: 1) that the County Executive continues to retain the authority provided by the Board in its May 2009 Resolution regarding the submission and approval of grant applications; 2) that grant application summaries for General Government grants be provided to the Board on a regular basis as consent agenda information items prior to grant funding being accepted or approved; and that the County Executive continue to consult with the Board regarding grant applications that may commit the County to ongoing funding obligations

Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 15. Closed Meeting.

At 12:41 p.m., a **motion** was offered by Mr. Thomas that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection 1 to consider appointments to boards, committees and commissions; and under Subsection 7 to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding public safety training and facilities. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 16. Certify Closed Meeting.

At 1:40 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 17. Boards and Commissions: Vacancies/Appointments.

**Motion** was then offered by Mr. Snow to make the following appointments:

- Cynthia Conte to the Historic Preservation Committee and
- Bruce Dodson and Steven McLean to the Acquisition of Conservation Easements Committee.

Mr. Rooker **seconded** the motion.

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

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

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Agenda Item No. 18. PVCC Annual Report – Dr. Frank Friedman.

Dr. Frank Friedman, President, addressed the Board, stating that two PVCC Board Members from Albemarle County are in attendance – Kip Newland and Debbie Goodman – and Donna Plasket and Stanley Cook could not make the meeting. Dr. Friedman thanked the Board for those appointments and said they have been wonderful additions to the PVCC Board.

Dr. Friedman reported that in the past year – fall, spring and summer - Piedmont enrolled 7,800 individuals in for-credit classes – compared to 6,200 in 2005-06; a growth of approximately 25%. He stated that last fall PVCC had 5,551 students – compared to 4,100 in fall 2005-06. The growth among Albemarle County residents has grown from 2,300 five years ago to 3,200 last year, or a 36%-increase. Dr. Friedman noted that Albemarle County residents now account for 41% of enrollment, which is now at an all-time high. He said that in the community college world, enrollments increase during recessionary

times, with enrollment at PVCC growing in the adult population but also in the traditional age population because of the economy – as tuition costs about one-third of that of a state college like JMU, U.Va. or Virginia Tech.

Dr. Friedman reported that in Albemarle County there has been growth in dual enrollment with Albemarle County high schools. It has more than doubled in five years, with 650 high school students last year from the County high schools taking PVCC courses at their high schools. He stated that tuition is free for these students and if the College had been charging them, tuition would have been a little over \$500,000. Dr. Friedman indicated that in the past year, over 1,000 of those 3,200 from Albemarle County took at least one of their courses from PVCC online, which provides a tremendous convenience factor for students. He reported that last year the College opened up the Kluge-Moses Science Building, which is 35,000 square feet, enabling PVCC to expand its health science programs. Dr. Friedman said that the College now offers licenses practical nursing, diagnostic medical stenography, and radiologic technology, with about 200 individuals graduating each year with degrees that take them right into healthcare professions – with the nursing program being the biggest.

He reported that last year, thanks in part to County support, PVCC opened the Stultz Center for Business and Career Development as its workforce development center, located in the old Monticello Visitors Center. Dr. Friedman stated that last year over 4,000 individuals took noncredit courses in that building – most of whom are working individuals who are taking courses to upgrade their skills or to enter a new job. Thanks to that building, he said, the College was able to partner with the Chamber of Commerce to expand and move the Chamber Business Academy onto PVCC's campus. He also stated that next month PVCC will start the first class in the "analyst boot camp," developed in association with the various defense contractors and expansion of the intelligence industry in Albemarle County – starting October 3, 2011 with 14-20 students expected for that class.

Dr. Friedman reported that next fall PVCC will be opening operations in the Jefferson School in downtown Charlottesville, with about 6,000 square feet in that building for a new culinary arts program there. He said that the College also expects to open a center in Greene County, with the County providing PVCC with the second floor of their library in Stanardsville – 14,000 square feet, which will need to be renovated and equipped by next fall.

He also stated that PVCC has a major initiative to increase the graduation rate of students, as just "taking a few courses" does not lead to a goal – with students in that situation being twice as likely to drop out without ever earning a certificate or degree. Dr. Friedman said that PVCC has started an initiative to focus on advising, career counseling, educational planning and mentoring to work with those students to increase their graduation rate. He stated that the College is in the second year of a major effort to increase students' writing ability which is called their quality enhancement plan. Business owners and employers have said that they want students to be accomplished in writing and math. Dr. Friedman added that PVCC is also in a big initiative to redesign how math is taught, as it is the #1 hurdle for students to overcome in order to earn their degrees. He said that the College is designing a "math emporium" – a concept borrowed from Virginia Tech in which computer-assisted instruction is merged with in-class time – which should be operational by next fall.

Dr. Friedman also explained that as of this fall PVCC is employing "lecture capture," whereby audio and/or video of courses are recorded and made available for students at any time. He emphasized that the lectures will also be searchable by certain terms. This is still in the pilot phase, but he believes that within a few years at least one-half of the College's classes will be offered with that technology.

Mr. Boyd asked how students would be encouraged to come to class.

Dr. Friedman responded that faculty has also had that concern, but lecture capture suggests that the academic process be flipped from an approach of lecture + homework – with lectures prerecorded as homework and class work reserved for problem solving, applications, discussions, debates and case studies. They cannot miss the class time, because that is where the real interaction and engagement occurs. This technology should make that possible in a large number of our classes. They actually think it's a better way for students to learn.

Mr. Dorrier asked what the age range is for most students.

Dr. Friedman replied that they span the gamut, with a handful of students age 14 or 15, but about one-half of students being below age 24 and 25% being over age 35.

Mr. Rooker asked how the College is dealing with its budget issues.

Dr. Friedman responded that it is a problem for everyone in public education and higher education. PVCC operates on about \$6,000 per full-time equivalent student. He said that five years ago the College got 60% of that money from the State and 40% from student tuition but it has now reversed to be 60% from student tuition and 40% from the State. Five years ago PVCC received approximately \$3,400 per full time equivalent student from the State; today that amount is \$2,300. Dr. Friedman stated that PVCC has raised tuition to make up for what has been lost in State funding.

Mr. Dorrier asked how many transfers go onto U.Va. each year.

Dr. Friedman responded that the College averages about 100 transfers to U.Va. each year, with only about 300-350 total transfers accepted at U.Va. from all colleges nationwide each year.

Dr. Friedman thanked the Board for the County's continued support.

Ms. Mallek thanked him for the workforce center and the one-stop center on Hydraulic Road.

Dr. Friedman said that effort has been a wonderful success for the College.

Mr. Snow asked how many of the 100 transfers graduate from U.Va.

Dr. Friedman replied that 85-90 graduate, doing equally well to their native freshmen. U.Va. has one of the highest graduation rates in the nation; they graduate over 90% of their freshmen. PVCC graduates graduate with a GPA of 3.1 which is the average for U.Va. freshmen. They do that study every year with U.Va. to check to see how well the students are prepared.

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Agenda Item No. 19. VDOT Updates, Bypass Milestones, Jim Utterback.

Mr. Jim Utterback addressed the Board, stating that he would be updating Board members on the next steps with the bypass. He announced that Mr. David Crim will be the Charlottesville Residency Administrator, taking on the role that Ms. Karen Kilby had prior to her retirement.

Before discussing the bypass, Mr. Rooker asked Mr. Crim to look into the spraying of round-up on sidewalks in the entrance corridors, along Hydraulic Road and Georgetown Road. There is a wonderful new sidewalk and road surface, but there are three-foot high weeds right alongside it and even breaking it up in places on Hydraulic Road.

Mr. Crim said that he would look into it and noted that the maintenance office is looking into more needs for herbicide.

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Mr. Snow mentioned the grading and paving on Rose Hill Church Road that citizens had mentioned earlier in the meeting.

Mr. Rooker pointed out that someone had gone to VDOT nine years ago with concerns about the safety elevations. VDOT had agreed that the road should be raised in elevation as it approached the stop sign at the intersection, but for funding reasons that was not done at the time – so the person who presented those plans had some residents sign a petition requesting that the work be done before the paving occurred; but there are more who do not want the paving held up.

Mr. Utterback said that Mr. Crim would handle that issue.

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Mr. Utterback reported that Mr. Harold Jones, the Project Manager, would be making a presentation on the bypass with about 15 slides of information. The presentation will provide a brief background on the bypass project, next steps and project milestones and then solicit input from the Board on County and public input/involvement. He also indicated that Mr. Chris Collins from the Central Office would be managing the reevaluation effort, and he is the most experienced person in the Department to handle the project. Mr. Utterback also said that in attendance is Mr. John Giametti, the District Location and Design Engineer; and Mr. Kenneth Shirley, the District Construction Engineer.

Mr. Utterback stated that it is a challenge for VDOT to pick up a project that has been dormant this long. No work has been done on it since the 2002 timeframe other than administrative updates for various things – including the estimate. VDOT has been working for about six weeks to establish a direction to move forward, but there are still a lot of unanswered questions.

Mr. Jones reiterated that he is VDOT Project Manager for the Route 29 Bypass project. His objective today is to provide a brief background on the project, discuss next steps and project milestones as well as soliciting input from Board members on public involvement and input for the project.

Mr. Jones said that the project was originally developed and a location was approved in 1990 by the Commonwealth Transportation Board after a series of location hearings. In 1997, he said, a design public hearing was held and the Commonwealth Transportation Board approved the design. Mr. Jones stated that the design includes a 6.2-mile limited access four-lane roadway from Route 29 North of the South Fork of the Rivanna River southward west of Business Route 29 down to the Route 250/29 Bypass. He reported that in 1997, the traffic was forecast for the bypass to have a little over 24,000 cars per day for a design year of 2022; if the bypass were in place today it would skip 13 traffic lights – 14 with the oncoming Shops at Stonefield. Mr. Jones said that the bypass would provide an alternative northern route to the UVA campus via Leonard Sandridge Drive, which was completed in 2006.

He then presented a project location map, illustrating the alignment that was approved in 1990 for the design approved in 1997. Mr. Jones said that a lawsuit was filed in 1998 alleging violations of the National Environmental Policy Act (NEPA), and while the courts ruled in VDOT's favor they required completion of a supplemental Environmental Impact Statement to address impacts at the northern terminus. He stated that a final Environmental Impact Statement was approved by the FHWA in 2003, and a Record of Decision was issued in September 2003 – with the required environmental assessment under NEPA completed for that current location and design.

Mr. Jones reported that 83 parcels of the required right-of-way have been purchased, including one parcel to the north of the South Fork Rivanna River and the balance to the south of the River. Currently 36 properties owned by VDOT are being rented; utilities will need to be relocated; and easements were identified earlier but will need to be updated. He stated that there are three family cemeteries that lie within the environmental footprint that need to be relocated. Mr. Jones presented a graphic on the status of the right-of-way, focusing only on the southern part, south of the River, because of the incomplete design of the northern terminus. He pointed out the properties that have been purchased by VDOT and the easements that have been acquired – also noting properties that have yet to be acquired and existing right-of-way, primarily on the Route 250/29 Bypass. Mr. Jones stated that several other properties are not indicated here, which are public properties of UVA, and once the southern terminus is finally designed those properties can be identified and right-of-way can be acquired.

Mr. Jones reiterated that the original design year of 2022 had over 24,000 cars per day projected to use the bypass and 7% truck traffic, but with the lawsuit, design work was halted in 1998 and the interchange for the northern terminus was incomplete. As was the policy in the mid 1990s, the survey and design were done in metric units. He noted that Leonard Sandridge Drive (formerly known as the North Grounds Connector) has been constructed to tie into the Route 250 Bypass.

Funding for the project comes from state and federal funds. Mr. Jones said that the project estimate is just under \$21 million for preliminary engineering, over \$105 million for right-of-way, and over \$118 million for construction – totaling approximately \$245 million. The project is fully funded for all phases in the current Six Year Plan.

He stated that next steps include procurement of the project through a design-build process, pursuing a low-bid, single-phase procurement. Mr. Jones said that an environmental reevaluation would begin this month to update the status of the final Environmental Impact Statement due to the nature of the time that has lapsed since that was approved. He added that VDOT would be updating that through contract.

Mr. Rooker asked who they would be contracting with. Mr. Jones responded that it is Parsons Transportation Group would be doing it.

Mr. Jones explained that the right-of-way acquisition process would begin and VDOT and the design-build team would both need to acquire right-of-way, with the northern interchange right-of-way acquired by the design-build firm and VDOT handling the right-of-way south of the River. He said that VDOT would update the environmental document beginning this month and that would take the form of an environmental assessment, which includes public involvement. Mr. Jones stated that they would update traffic forecasts and provide additional environmental studies such as air studies, noise studies, cultural resource studies, hazardous material studies, and evaluation of endangered species. Public involvement will be part of the process. He said that VDOT anticipates a citizen's information meeting in the first or second quarter of next calendar year with regard to the environmental reevaluation.

Ms. Mallek asked Mr. Jones to clarify the order of the public input as it relates to the report. Mr. Jones responded that it is part of the process, so there will be some information there on which to comment but it is not complete until that part is done.

Mr. Jones explained that the reevaluation would take the form of an environmental assessment and is part of a two-part process. VDOT will prepare a draft environmental assessment with studies, updated traffic, etc. which will be made available to the public with comments solicited. He said that VDOT would then respond to the comments and finalize the document. The public involvement is in the middle of the process, so that information is available but VDOT will still have an opportunity to react to the public comment.

Mr. Jones stated that VDOT would acquire 13 properties south of the River, and that process would start this month with letters being sent out beginning tomorrow. He said that two long-vacant structures would be demolished with an existing contract. The design builder would be in charge of acquiring right-of-way north of the South Fork of the Rivanna River based on the design that they come up with. Mr. Jones added that they would also be responsible for any railroad agreements, contracts or other involvement as required. He said that VDOT would also facilitate disinterment and re-interment for three family cemeteries.

Mr. Jones explained that there are advantages to design-build procurement: 1) accelerated project delivery can be expected through this process; 2) innovative construction methods and techniques are encouraged (contractors involved early in the process); 3) supports economic development; 4) maximizes use of available funding; 5) risks are shared with the design builder and VDOT.

Mr. Rooker asked what the schedule is for construction, noting that the Secretary made a comment in Lynchburg that the State intends to put out an RFP within the next 30 days. He asked what the timeframe would be for putting the RFP out and potentially signing the contract.

Mr. Jones responded that it would be four to six months. He also reported that the design-build proposals would not compromise the Environmental Impact Statement, and VDOT would restrict the design builder to stay within the existing environmental footprint. Mr. Jones said that the design year has now increased to 2036 since time has lapsed. The estimated traffic count is 35,000 cars per day and the actual update would be determined through the reevaluation of the environmental document.

Mr. Rooker commented that every study he has seen shows that traffic estimates were done based upon having either one or two interchanges intermediate on the bypass, which significantly affects the traffic count. He suggested that whoever is doing the traffic numbers should make sure they have the right starting point.

Mr. Jones said that the 35,000 estimate figure is based on three to four year old counts and forecasts with growth rates, and the Parsons Transportation Group would be beginning their full traffic update this month.

Mr. Rooker asked who the engineer assigned to this project is, because he would like to know what the assumptions are that he is starting with unless it is being based on the origin destination study – which has not had a new one since 1989.

Ms. Mallek noted that the household study is supposed to be out now that is based on the 2010 Census.

Mr. Shirley said that traffic can be forecasted in a couple of different ways. It can be grown linearly, and as part of the reevaluation there are forecasting tools that can be done – including modeling based on new counts. He concurred that if 1990 traffic figures were grown at a standard growth rate there would be a very different answer. Mr. Shirley stated that he has not set the scope of work yet but would as they move forward, adding that there will be scores of engineers who would be working on this project. When that scope of work is set, they will use a modeling tool that is appropriate for forecasting traffic and getting an updated answer for 2036. He reiterated that no work has been done on this since about 2002 and therefore he is at somewhat of a disadvantage in answering the question of what will happen.

Mr. Rooker stated that the numbers originally done for this project, forecasted out to 2010, the number at Route 29 and Hydraulic Road is about 30% higher than it actually is today.

Mr. Shirley responded that that is why it is called forecasting.

Mr. Rooker said if you don't have an origin destination study it is difficult to tell where people are going, adding that he has seen huge discrepancies between projections and actualities.

Mr. Shirley stated that models are full of all kinds of assumptions, but they will come up with one that best meets needs. He added that the public process would allow VDOT to tweak the plan if there are elements that are right or wrong. He said that the 1.7% growth is not the method that will be used for the reevaluation, it is just to get them moving towards that RFP right now.

Mr. Rooker said that he is more concerned about the starting point and the old data should be reevaluated to establish a good starting point.

Mr. Shirley responded that that is what they will do.

Mr. Jones stated that the design will include a 60 mile per hour design speed and will have 12-foot lanes with wide shoulders, with eight feet of that paved. He said that the RFP will state that the design needs to perform at a level of service C for the design year at 2036.

Mr. Rooker asked if the prior work was done on a 55 mph design speed.

Mr. Jones responded that earlier design was in metric, 100 kilometers per hour, effectively a 60 mph design. He added that the design speed has not changed, and typically roads are posted a little bit slower than design speed. He said that they anticipate select areas along the corridor and interchanges for enhanced landscaping part of context-sensitive design and may also include architectural treatment and a smaller footprint over the whole corridor.

Ms. Mallek asked where the sound mitigation for schools would come in.

Mr. Jones replied that it would be developed through the reevaluation and would be part of any measures implemented from that.

Mr. Jones indicated that public involvement for the reevaluation is not a requirement, but they would incorporate it into the process due to the nature and the history of the project. A public design hearing is not required for approval as it was handled in 1997. He said that there was also a previous design advisory committee and there are opportunities for public input to the design build through an addendum to the RFP that VDOT plans to issue in November 2011, which will also include updated information on geotechnical data and any traffic data acquired by that point.

Mr. Jones stated that by the end of this month VDOT would be underway with environmental reevaluation, right-of-way acquisition and initial public involvement, and plan to issue the RFP by the end of September with the addendum issued in November and proposals due by the end of the year with an expected award in the first quarter of calendar year 2012. He said that additional public involvement would be included in the second quarter with the environmental reevaluation. VDOT expects construction to begin near the end of calendar year 2012.

Mr. Rooker asked if this would be a fixed-cost contract.

Mr. Jones responded that this is a single-phase, low-bid contract.

Mr. Rooker asked if VDOT would typically go with the lowest qualified bidder and they would bond the work. Mr. Jones responded, "yes".

Mr. Dorrier asked Mr. Jones for his definition of bypass.

Mr. Jones responded that going around 13 traffic lights and the one additional light anticipated at Stonefields, decreasing travel time and realizing fuel cost savings from stopping and starting, would constitute a bypass. Mr. Jones then asked the Board for any questions or comments.

Mr. Rooker introduced himself to Mr. Jones and informed him that more than one-half of this project is located in the Jack Jouett District – which includes the southern bypass interchange, the University and Stillhouse Mountain. Mr. Rooker said that six of the seven schools impacted are in his district, and seven neighborhoods are either bisected or have the road go right by it. He said that he has a significant stake in how this project goes forward. He said that he announced this morning that he would appoint a bypass advisory committee for the Jack Jouett District after talking with Mr. Utterback about how input could occur. Mr. Utterback indicated that he would prefer to not have eight neighborhoods, etc., but rather have some cohesive group that could deal with those issues. They are not only concerned about design issues because a lot of the design has already been done although there is some hope that the southern interchange might be improved upon. There are a lot of ongoing impacts such as road detours, huge amounts of earth being moved on County roads, and impacts to schools. They certainly want protection for the schools from the noise and other impacts of this project. He is going to be looking for opportunities for the committee that he appoints to interact with the appropriate people at VDOT and also the ultimate contractor that gets awarded the contract. Mr. Rooker stated that the intent of this input is not to take up time, but to provide meaningful input that will be appreciated by the residents in the district with respect to the impacts that may occur there.

Mr. Utterback said that VDOT is pleased that Mr. Rooker volunteered to step forward with this, and said that VDOT is willing to listen and [would] try to include input as they can moving forward. He also said that there is a significant portion of communication and involvement with the public in the design-build contract. It is a major project and it impacts a number of people going forward. He reiterated that it is very important to get input, work with the community and work with the Board in moving forward.

Mr. Jones stated that VDOT is formulating an RFP to be put out this month and has been working with a group to help with that, and they have contacted a public relations firm to assist in that aspect. He said that between now and the contract time there are several opportunities to meet and the task force groups are part of that, but there is also the reevaluation of the environmental document that includes a phase of public involvement. Mr. Jones added that the design-build contractor knows that they are committed to public involvement through the duration of the project.

Ms. Mallek said that she is still trying to understand what it means to be the low-bid design build, as the bid depends on the quality of what is proposed and where the road is going to be located. There seem to be so many variables it seems like they are putting themselves out there to be at risk. She also asked if the right-of-way purchase north of the river would be handled by the design builder and determine what land is needed.

Mr. Jones explained that VDOT would pay for the right-of-way after the design builder establishes which parcels are needed.

Mr. Utterback explained that VDOT has a federally approved environmental document and whatever a design builder proposes has to be within that footprint, adding that there may be opportunities to downscale. He said that the interchanges are significant and are designed with high-speed ramps, so there are some opportunities to look at that – and in moving the project forward VDOT would include public input and listen to those things and they are going to evaluate it going forward over the next year and look at how they can improve, and take opportunities to downscale and lessen the impact if they can and still meet the purpose and need of the project.

Mr. Rooker said that once a contract is signed with a design builder, his bid includes design proposals. He asked how public input that might affect design would fit in that process. For example, there may be ways to scale down the southern interchange. He asked if VDOT was looking to the people who bid on the contract to come up with those suggestions.

Mr. Utterback responded that there will be an addendum. He added that the traffic data is needed to determine the level of service that would drive minimum/maximum requirements on the intersection/interchange, so VDOT is hoping to get some parameters on what a design builder could bid. He said that once the project is under contract, any change in scope would necessitate a work order.

Mr. Rooker stated that once a bid is accepted based on a design, then change orders would need to be issued to alter that design. He said that there would be a significant increase in traffic arriving at the North Grounds by the U.Va. Law School that was not previously there, and he hopes traffic engineer would address how those impacts might be ameliorated. Mr. Rooker added that the traffic numbers based on the years that have passed would also impact the designs for the road and the exit ramps, and he wondered how the traffic projections coming off the interchange and its connectors would be handled. They still have to deal with the Leonard Sandridge Connector at Barracks Road, the Route 250 bypass, Ivy Road exit, the railroad tracks, etc. He said that he assumes there was a lot of money spent designing that interchange and it was not done with the idea of maximizing the cost of what was going to be put there. He thinks there are a lot of people that would like to have some input into that phase, including some people that may hire engineers themselves to look at what is being done. He thinks they need to

make certain they have the process set up to take input at a point where it is meaningful rather than having to say 'sorry, but we already designed that' or 'our contract doesn't include that' or 'we'll have to issue a change order.' If there are good ideas, he would hope those good ideas could germinate before VDOT become locked in.

Mr. Utterback said that Mr. Rooker has captured the challenges that lie ahead for VDOT, and at the end they must come up with a design that provides a certain level of service. He stated that what is critical over the next few months is the collection of data and forecasting tools.

Mr. Dorrier asked if he was talking about a four lane road with a median down the middle. Mr. Utterback responded, "yes".

Mr. Rooker added that currently the road has varying widths depending on its location.

Mr. Thomas stated that this was originally designed as an interstate highway, and any traffic problems coming into U.Va. would be addressed through a "humongous interchange" on the southern terminus. He said he can't see it being a problem with Leonard Sandridge Road because it was designed to accommodate the big interchange that was put there, so he envisions the traffic being centralized to the North Grounds.

Ms. Mallek said that she understands the issue to be that the traffic is going to stack up and come right back because it is not going to be able to exit fast enough.

Mr. Rooker stated that a lot of the traffic today goes straight down Emmett Street, and he just wants to make sure the traffic within U.Va. is distributed and handled.

Mr. Boyd said that VDOT has done design build projects before.

Mr. Utterback responded that there have been a number of projects across the state, such as Zion's Crossroads, with the "diverging diamond" concept, and this would be the second design build project for this district. He said there are a number of design builds that are part of larger PPTAs but they are a bit different, adding that there are some larger projects in the eastern region of the state.

Ms. Mallek said that this is pretty complicated compared to just a straight intersection, adding that the contract would be awarded for a certain amount before any public input is gathered so the contractor won't have the benefit of that public input until they are in an agreement with the Commonwealth. She said that she can guarantee that when they have a great idea, people are going to say, 'oh that's a nice idea but we're not going to spend the extra \$10 million to do that.'

Mr. Utterback stated that the RFP addendum for November provides a few months to get some initial input into the RFP.

Ms. Mallek asked what VDOT's public process is to gather that information, between now and November.

Mr. Utterback replied that at this point the approach would be working with the committees appointed by Mr. Rooker and Mr. Boyd. That is also one of the reasons they are present today. He added that there is no requirement for VDOT to have public involvement on the design phase. They crossed those milestones for formal public hearings long ago. They are here to try to get some solicited and some organized input from Board members to try to feed that input back into the design build.

Mr. Dorrier asked what role the MPO plays in this.

Mr. Rooker said there is not a huge amount of time between now and November. It appears to him that any meaningful input needs to take place in the next few months. He noted that the environmental impact process would take six to eight months.

Mr. Utterback responded that it would take almost a year.

Mr. Rooker asked how that would work with noise barriers and berms to protect neighborhoods and schools. He asked if they would wait before considering those issues.

Mr. Utterback stated that VDOT would incorporate into the contract whatever comes out of the reevaluation, so there would be a change order if things like noise walls were required. The design build contractor would not bid those things currently because they are not in the plans.

Mr. Collins said that VDOT would do additional noise analysis as part of the reevaluation. The walls portrayed 10 years ago would likely be different because traffic and noise regulations have changed. He stated that that would come out in about six months, but as part of every project there is a final design noise analysis that falls on the designer – and the barriers in the environmental document are potential, but the real decisions comes in the design process. That is not something he would expect anybody to bid on at this point regardless of the delivery approach VDOT takes.

Mr. Rooker asked if those things won't be precluded by the contractor's bid. He also asked if the recommendations that come out cost another \$20 million, will the money be available to do them.

Mr. Collins confirmed that those things would not be precluded by the contractor's bid. He added that Mr. Utterback would need to speak to any funding issues.

Ms. Mallek asked if the design build contractor would be the one to determine what kind of noise walls would be built regardless of the recommendations from the environmental evaluation.

Mr. Collins said the noise model required by the Federal Highway Administration spits an answer out as to which barriers qualify based on decibels of increase, absolute noise levels, cost and other factors. Mr. Collins said that the art is in designing them, but the decision is largely an empirical answer. The short answer is that it either qualifies or it doesn't.

Mr. Rooker commented that there seems to often be a political aspect as to who gets sound walls and who does not, noting that in his home region of Southwest Virginia there are walls that likely came to fruition because of efforts to get them there.

Mr. Collins said that may be true but there are sound walls in many areas where there is nothing behind them because the noise analysis is based on planned development, and often the development that is approved does not exist yet. He added that other factors may come into play, but the things that qualify will go through the process, and the model does take into account topographical features.

Mr. Rooker asked if there is any chance in creating a lower design speed for the project, as the traffic is going to be pouring back into heavily trafficked areas and the difference in time saved for a few miles is minuscule. Lowering design speeds allows the road to be fit in different ways. It may also save costs.

Mr. Giametti responded that the mainline of the bypass has been established through the design hearing process at 60 miles per hour, and there is not a lot of flexibility there, but the opportunities for flexibility will be at the northern and southern termini, recognizing that they are coming into a lower speed highway on the northern terminus than what they were coming into back in the 1990s. He said they would be looking at opportunities to tighten up some of the radii on the ramps and to take advantage of some of the downscaling Mr. Utterback addressed earlier. The same things will also be looked at the southern termini, opportunities to lessen the design speed of some of the ramps in order to tie in and lessen the footprint.

Mr. Rooker said that there may actually be cost savings with a lower design speed and it might also possibly lessen the impacts to surrounding area. A five mile an hour difference is going to be minuscule in time if you are talking about seconds.

Mr. Utterback agreed, stating that he would take an action to go back to look at that, adding that they have had similar discussions internally as well. He is glad to hear that coming from the Board.

Mr. Dorrier asked if the interchange will have a traffic light involved. Mr. Utterback responded, "no".

Ms. Mallek commented that if capacity is the most important thing, they know the smaller the speed with the cars together means there will be more cars on it.

Mr. Boyd said that there is not much time, and his group would be meeting about this next week regarding the northern terminus as that is the area that impacts his district the most.

Mr. Utterback stated that this is a complicated project and a complex process but VDOT will listen, adding that there would be citizen involvement in the spring so there is the potential for some design change opportunity but it cannot be quantified at this time. He said that the earlier the input is given, the better. The Board and MPO are stakeholders in this project and VDOT will work with them to try to accommodate them within reason.

Ms. Mallek asked if Parsons could have their own public meeting regarding input to the environmental process.

Mr. Utterback responded that they are not authorized to do that.

Ms. Mallek said that the environmental meeting would be in April or May.

Mr. Utterback commented that after the studies Mr. Collins mentioned are accomplished – so there is a draft taken out for public input – and that is beyond what is normally required for reevaluation. He said that a typical reevaluation is one shot, three months, but given the time that has expired with this project and the concerns, it makes sense to do an environmental assessment which will take about a year process.

Mr. Dorrier asked for a rough estimate of completion time.

Mr. Utterback replied that they do not have that as of yet but it would go out with the RFP, adding that it could realistically be five years.

Mr. Foley asked if VDOT would come back to the Board and give updates.

Mr. Utterback said that this isn't the only time VDOT will be here, and they will share information as appropriate. Anytime the Board wants an update, he asked that they be contacted.

Mr. Boyd announced that the public meeting for the northern terminus group would be held on September 26<sup>th</sup> at 6:00 p.m. in the COB-5<sup>th</sup> Office Building, Room A.

Mr. Utterback thanked the Board for the opportunity to address them today.

Board members thanked VDOT for attending today.

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Agenda Item No. 20. Albemarle County 2012 Legislative Priorities.

Mr. Davis summarized the following executive summary that was forwarded to the Board:

Each year the Board identifies and approves its legislative priorities for the upcoming General Assembly and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary will provide a review of the Board's 2011 Legislative Priorities and presents to the Board, for review and approval, the 2012 Legislative Priorities.

A review of the County's 2011 Legislative Priorities is provided in the attached "2011 Legislative Priorities Report" (Attachment B). The report details previous action taken on the priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VACo and VML.

Many of the proposed 2012 Legislative Priorities carry forward the 2011 Legislative Priorities (Attachment A). Two new priorities have been identified for the 2012 Legislative Priorities.

1. a. Support legislation regarding land application of biosolids that protect the environment, public health and safety.
- b. Request legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of sewage sludge to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment.

VACo's position statement on bio-solids is as follows:

VACo contends that the land application of biosolids, when conducted properly, provides important benefits to the public and Virginia's agricultural sector. To reduce risks that might occur because of improper land application, VACo supports an effective statewide program and regulations governing land application of biosolids that protect the environment, public health and safety. VACo also supports the ability of local governments to monitor compliance with such regulations and the ability of local governments to submit recommendations for site-specific conditions into the permitting process.

2. Eliminate split precincts to the extent possible. The Virginia Senate and House of Delegates redistricting plans created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17<sup>th</sup> and 25<sup>th</sup> Senate Districts in three places. The Woodbrook precinct is split between the 17<sup>th</sup> and the 25<sup>th</sup> Senate Districts. The Free Bridge precinct is split between the 57<sup>th</sup> and 58<sup>th</sup> House Districts; and the Stony Point precinct is split between the 17<sup>th</sup> and 25<sup>th</sup> Senate Districts. After the redistricting process, subsequent General Assemblies usually revisit split precincts and attempt, where possible, to eliminate such splits. It would be advantageous to address this issue prior to the 2013 Senate and House elections.

In addition, staff recommends reaffirmation of the Board's previous opposition to any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads. VACo has identified devolution of responsibility for the secondary roads as a major topic for the upcoming 2012 session. Earlier this year VACo was provided the opportunity to comment on a draft report regarding the policy options and management of secondary roads in Virginia. A copy of VACo's comments on the draft report is attached as additional information for the Board (Attachment D).

After the Board's input and approval, staff will submit the Board's 2012 Legislative Priorities to the TJPDC, VACo and VML for coordination into their respective legislative programs. The 2012 TJPDC Legislative Program will return to the Board for additional input and approval.

The County's legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board approve the proposed 2012 Legislative Priorities (Attachment A), and any additions it feels are appropriate, for submission to the TJPDC, VACo and VML.

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Mr. Davis commented that there is a Campbell County initiative that Albemarle borrowed some language from that would be asking for General Assembly authority to be given to localities to actually regulate where biosolids could be applied under zoning authority. Mr. Davis said that staff feels this is an interesting concept to explore as it is not enabled under current law, and with this specific authority the

County may be able to devise a way under the Zoning Ordinance to determine whether biosolids may be spread in relationship to the growth area, rivers and streams – and watershed protection aspects could be taken into account. He suggested one terminology change: “biosolids” instead of “sewage sludge,” because under DEQ regulations sewage sludge is not allowed to be applied but after it is processed it becomes a biosolid.

Ms. Mallek commented that this is the Class B material, not the Class A that can be bagged and sold for people’s yards.

Mr. Davis responded that it is still classified as biosolids, and that terminology needs to be clear moving forward.

Mr. Rooker asked about establishing areas where you could use Class A but not Class B, as there may be different land categories where it might be appropriate to use a higher grade that has less contaminants.

Mr. Davis said that under this legislation, if you could prohibit it you could also layer it based on classification. He said that he thinks that is a good concept.

In terms of split precincts, Mr. Davis said it would be more efficient and economical if the General Assembly could change the Senate and House lines to fit existing precinct lines of the County – and he is hopeful this would be accomplished in 2012 or 2013 when an omnibus bill is considered. He added that there are several hundreds of these across the state and he thinks the efficiencies will be looked at as the General Assembly moves forward in the process.

Mr. Davis said the VDOT issue is going to be the subject of a lot of discussion in the General Assembly. Mr. Davis said that devolution is a scary concept if there is insufficient funding, and also because it may not be the most efficient way to deal with roads. He reiterated that the County’s position will be important to express as they move forward.

Mr. Boyd asked if the postponement of the redistricting issue means localities might have to go through two election cycles with the split precincts.

Mr. Davis responded that it would be caught for the next General Assembly elections, with the 2013 elections having the correction.

Mr. Davis added stated that the other requests are carry-over priorities from 2011. Staff recommends that the Board preliminarily adopt the 2012 legislative priorities subject to further review and consideration as the session moves forward. Staff will bring these back in November or December. The Board will also be meeting with local legislators in December and at that time there will be an opportunity to enhance or change this going forward. Mr. Davis said this information will be shared with Mr. David Blount in the TJPDC process and also preliminarily with VaCo and VML to add more official Board positions going forward with legislative priorities.

Ms. Mallek **moved** to grant preliminary approval to the legislative program as presented in Attachment A with the correction of “sewage sludge” to “biosolids.” Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek Mr. Rooker, Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: None.

### **Albemarle County 2012 Legislative Priorities**

#### **Growth Management, Land Use and Transportation**

**Biosolids**—Request legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

**Local Authority**—Support legislation to 1) strengthen localities’ authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.

**Impact Fee Authority**—Support impact fee legislation that allows for 1) a fair allocation of costs representing a “pro-rata” off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities’ impact fee updates; and 5) does not diminish the existing proffer system.

**Conservation Easements**—Support legislation that augments local efforts in natural resource protection through 1) continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continuing to provide matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can

continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increase incentives for citizens to create conservation easements.

**Scenic Protection and Tourist Enhancement**—Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County makes land use decisions in designated areas.

**Transportation Funding**—Support legislation to 1) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) **strongly oppose any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.**

#### **Health and Human Services**

**Comprehensive Services Act (CSA)**—Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) establishing state contacts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**Child Care for Low Income Working Families**—Request that the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

**Local Department of Social Services (LDSS)**—Request that the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

#### **Local Government Administration and Finance**

**Voting Precincts**—Request legislation to eliminate split precincts to the extent possible. The Virginia Senate and House of Delegates redistricting plans have created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17<sup>th</sup> and 25<sup>th</sup> Senate Districts in three places. The Woodbrook precinct is split between the 17<sup>th</sup> and the 25<sup>th</sup> Senate Districts. The Free Bridge precinct is split between the 57<sup>th</sup> and 58<sup>th</sup> House Districts; and the Stony Point precinct is split between the 17<sup>th</sup> and 25<sup>th</sup> Senate Districts.

**Full Funding of State Mandates**—Request that the state budget provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

**Local Control of Local Revenues**—Oppose legislation that restricts or limits the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

**Drug Court Funding**—Request that the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

**Cost to Compete Pay Differential**—Due to the documented high cost of living in Albemarle County, request that the legislature include Albemarle County Schools in the "Cost to Compete Pay Differential" so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

**Composite Index**—Support legislation to amend the Composite Index Funding Formula by re-defining the local true values component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

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Agenda Item No. 21. Downtown Crozet Stormwater Wetlands Project.

Mr. Greg Harper, Water Resources Manager, summarized the following executive summary which was forwarded to the Board.

On November 7, 2007, the Board authorized staff to proceed with the land acquisition, concept development, and design of a regional stormwater management system for downtown Crozet (See Attachment A for the November 7, 2007 executive summary). The original budget for the project, based on concept-level estimates, was \$600,000. In July of 2009, staff advised the Board that the project cost estimate had increased to \$1,039,056 due to actual property costs, refined plans, and additional project elements such as addressing sanitary-stormwater conflicts, and the Board approved moving forward with the project (See Attachment B for the July 1, 2009 executive summary). Since July, 2009, staff

successfully secured financial assistance in the form of a grant and forgivable loan to fund a significant portion of the project cost (See Attachment C for the June 1, 2011 executive summary).

The construction portion of the project went to bid on June 9, 2011, and the low bid exceeded the 2009 cost estimate by \$418,594. In response, staff conducted a value engineering exercise and, through negotiations with the contractor, was able to reduce the project scope and cost by \$90,465. An additional net savings of \$15,305 was realized in other areas of the budget. The total project budget is now \$1,351,880.

Despite the increase in construction cost, the objectives of the project are fundamentally unchanged from its initial introduction to the Board in 2007. The objectives of the project are to 1) serve future development, including any County improvements, within a 53-acre downtown Crozet watershed by means of a constructed storm sewer system and improvements to an existing channel and 2) provide additional water quality protection to downstream resources, including high-value streams and a water supply reservoir, through the construction of a forebay and stormwater wetland system.

This second objective, though initially driven by Board directives and the Comprehensive Plan, will earn the County credit towards its nutrient and sediment reduction targets currently being assigned through the Chesapeake Bay Total Maximum Daily Load (TMDL) Watershed Implementation Plan (WIP) administered by the Department of Conservation and Recreation. This water quality component is supported by the Department of Environmental Quality and the Rivanna River Basin Commission in concept and, more concretely, through the received financial assistance.

The total project budget of \$1,351,880, if approved, is supported by various none tax revenue sources including the DEQ's Construction Assistance Program grant, Rivanna River Basin Commission Grant, and a Grayrock Subdivision proffer totaling approximately \$500,000. \$781,880.00 has already been appropriated to this project. An appropriation request for the remainder of funds, \$570,000, is included with this request (#2012023) in attachment D.

Annual maintenance of this County-owned facility is estimated at \$2,000.

Staff recommends that the Board approve the final project budget as described above and authorize staff to proceed with construction. In addition, staff recommends approval of the associated budget amendment (Attachment D) in the amount of \$570,000.00 and the approval of Appropriation #2012023.

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Mr. Harper that he is here to request that the Board give its final approval to the downtown Crozet storm water wetlands project and appropriate funds necessary to complete the project. Mr. Harper explained that the project has a goal of improving conveyance of stormwater from the downtown Crozet area, Jarman's Gap Road, down to Powell's Creek – and this will provide stormwater management for future development so that future development in the downtown area does not have to provide onsite detention of storm water management, and will instead safely convey it down to Powell's Creek without eroding the channel and flooding properties. He said that the other major goal is to provide some additional water quality treatment as this is a water supply area and designated development area with existing density and future increased density likely. Mr. Harper stated that there is no existing stormwater management in the area, and because of the Lickinghole Basin there are no water quality requirements even for future development in this area.

Mr. Harper explained that the two major elements to the project are the channel improvements and the constructed four-bay and offline wetlands system that would provide water quality treatment. He said that in 2007, based on a \$600,000 cost estimate, the Board gave their support to the project and authorized staff to proceed with planning, design, property acquisition. Staff came back in 2009 with a revised cost estimate based on 70% construction drawings, which exceeded over \$1 million. Mr. Harper stated that at the time the Board authorized purchase of the property and appropriated a proffer and a grant, with the Board appropriating an additional DEQ grant to the project earlier this year. He said that the bids opened in June and the low bid exceeded construction cost estimates by \$420,000, so staff immediately performed a value engineering exercise with the contractor and the engineering consultant to reduce the cost by \$90,000, with a resulting project cost of \$1.35 million.

Mr. Rooker asked if there is an estimate of contributions that might be received from using this.

Mr. Harper reported that in addition to the one-half million dollars received in financial assistance through grants and proffers, staff anticipates that if the Board chooses to set up a regional stormwater management service district they expect private developers to pay into this – two potential development projects in the watershed have been identified, at about \$30,000 per impervious acre. He said the streetscape project or library project would both need to provide stormwater management by themselves if this project is not done, with the value there estimated at almost one-half million dollars.

Mr. Rooker emphasized that there are offsets in cost with this project, and it makes sense to him to create a service district.

Mr. Boyd said that the Fiscal Impact Committee, when putting together the proffer policy, considered the idea of allowing some of the proffer money to go into a fund for infrastructure costs. He asked if some of that money would go back into the stormwater management fund.

Mr. Davis responded that part of the issue is that downtown Crozet was upzoned to by-right uses, so there won't be any rezoning to generate proffer monies, but perhaps some outlying areas would have proffer money for this purpose. He clarified that there is already a pro-rata recovery for the Lickinghole Basin that covers this area, so there is already one pro-rata plan in place for the stormwater pond created at Lickinghole. Mr. Davis said it is possible to do another one for this particular project, but it is limited to pro-rata recovery of cost and only for new development. He stated that it was estimated at one point to be \$50,000 but would not be significant.

Mr. Foley said that the library stormwater management would have to be paid for anyway, so that could be looked at as an offset.

Ms. Mallek stated that this is a very important feature for the small lots west of Crozet Avenue because they are so small they do not have room to do onsite collection, and that process would already exist because they have to manage the stormwater anyway.

Mr. Davis explained that they would have to pay their pro-rata share of Lickinghole under the existing plan in effect now, and if the Board chooses to exercise an additional pro-rata plan they could pay that share at site plan stage for this facility.

Mr. Foley noted that it would require setting up a service district and a pretty involved process, which the Board has steered away from in the past.

Mr. Rooker said there is already a service district in effect for Lickinghole.

Mr. Davis explained that it is under zoning authority that you can have a pro-rata service area once the County funds the capital for a stormwater project, by setting up a designated service area with a study in advance of the development that can recapture on a pro-rata basis the cost as it applies to each individual property as it develops. It is not a service district in the concept that is based on assessed value that is collected as part of your tax bill. He added that a service district could be implemented based on assessed value and collected with property taxes, but that is not the case here at this point.

Ms. Mallek noted that it is more of a stormwater utility.

Mr. Foley agreed.

Mr. Davis said it is similar, but not exactly, because it is based on pro-rata cost not a per-unit basis. He explained that a stormwater utility could be used for this type of project and other stormwater projects but that would be a fee assessed to everyone on an annual basis, based on the amount of impervious surface they have.

Mr. Dorrier asked where the Albemarle County Service Authority fits into this process.

Mr. Davis responded that the Albemarle County Service Authority has no part in this, adding that the Lickinghole Basin was built at the request of the Rivanna Water and Sewer Authority because it protects the reservoir.

Mr. Dorrier asked if additional staff would be needed to manage this stormwater project.

Mr. Foley responded that the County estimates a \$2,000 annual maintenance cost when this is fully operational.

Mr. Davis noted that the County would be responsible for the facility.

Mr. Rooker asked about the difference between the original estimate and the final cost.

Mr. Harper explained that there have been elements added to the project, such as unforeseen utility conflicts, replacement of bridges when acquiring easements from property owners along the channel corridor, some additional inlets and sediment control required by permitting agencies, and energy costs have increased significantly. He noted that the price of gas in the Richmond area when the 2009 estimate was done was \$1.95, and when bids were submitted they were \$3.57 a gallon. Mr. Harper said that this is an energy-intensive project with lots of material hauling.

Mr. Foley said that there is a cross-departmental team that would do an assessment of this to examine why the bid was so much higher in the end, noting any processes that could be changed in the future.

Mr. Snow asked if there were additional opportunities for grants.

Mr. Harper replied that the time for grants has probably passed, but as the price increased there was more funding assistance than originally anticipated – so the net cost to the County is only about \$10,000 more today than what was presented in 2009.

Ms. Mallek **moved** to approve the final budget as described, to authorize staff to proceed with construction, to approve the budget amendment in the amount of \$570,000 and to approve Appropriation #2012023. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

<b>APP #2012-023</b>							
<b>DATE 08/03/2011</b>							
<b>BATCH NAME</b>							
<b>COUNTY OF ALBEMARLE</b>							
<b>APPROPRIATION</b>							
<b>EXPLANATION:</b> Downtown Crozet Stormwater Wetlands Project increase to support construction costs							
<b>ACCOUNT NUMBER</b>							
<b>TYPE</b>	<b>FUND</b>	<b>DEPT</b>	<b>FUNCTION</b>	<b>OBJECT</b>	<b>LOCATION</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
4	9100	82062	482040	800605	9999	570,000.00	Downtown Crozet S/w Const
3	9100	24000	324000	240052	1008	378,531.19	VRA-DEQ Grant/Revolving Fund
3	9100	51000	351000	510100	9999	191,468.81	Stormwater Fund Balance
<b>TOTAL</b>						<b>1,140,000.00</b>	

Agenda Item No. 22. From the Board: Matters Not Listed on the Agenda.

Mr. Dorrier asked what else could be done to improve Rose Hill Church Road.

Ms. Mallek suggested that he contact Mr. David Crim of VDOT.

Mr. Dorrier asked if there is Board support for additional improvements.

Ms. Mallek said it has to stay within the budget that is been established for it, and the citizens certainly did not want the paving delayed in order to get design work on elevation.

Mr. Thomas commented that it is not in the Six-Year plan.

Ms. Mallek added that the change in elevation is not on the list, only the rural rustic paving.

Mr. Davis said that unless it would be considered a maintenance project it would not be possible to do it quickly.

Mr. Rooker stated that the paving is already planned, but there is no cost estimate on revising the rise in elevation.

Mr. Dorrier said that someone called him and talked with him for a one-half hour to explain that his daughter was injured at the intersection, and as a practical matter it could be fixed and then paved as the smart thing to do.

Ms. Mallek suggested that Mr. Dorrier talk to Mr. Crim.

Ms. Mallek then asked that the Board discuss the proposed resolution regarding the Route 29 Western Bypass:

Resolution

WHEREAS, the Charlottesville-Albemarle Metropolitan Planning Organization amended its Constrained Long-Range Transportation Plan and Transportation Improvement Program on July 27, 2011, to remove language opposing the allocation of construction funding to the proposed Route 29 western bypass (“bypass”); and

WHEREAS, the Virginia Secretary of Transportation has announced that the state will soon begin advertising for bids for the design and construction of the bypass; and

WHEREAS, the Final Environmental Impact Statement for the 29 Bypass was completed eighteen years ago and the Supplemental Environmental Impact Statement was completed eight years ago, and VDOT is therefore required to prepare a written reevaluation of the environmental impact statements; and

WHEREAS, among other items, the traffic modeling, the traffic estimates, the air quality analyses and the noise analyses in the environmental impact statements are now outdated and additional analysis needs to be done; and

WHEREAS, there is significant new information that has been developed since the environmental impact statements were prepared, including new scientific research documenting the detrimental effects of highway pollutants on the health of individuals, and children, especially; and  
 WHEREAS, new data and analyses that should be developed as part of a thorough and properly done review of the bypass and its impacts, including results of traffic modeling, will be necessary in order to provide updated and accurate information about health, noise, and other impacts of the bypass, as well as to identify strategies to mitigate those impacts; and,

WHEREAS, the new data and analyses should be made available before it becomes costly and difficult to make changes to the proposed plans for the bypass; and

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that, before issuing a request for proposals concerning the design and construction of the bypass, the Virginia Department of Transportation:

- Evaluate updated traffic modeling for the bypass that includes a comparison of at least two scenarios, including one that evaluates a baseline set of improvements with the bypass, and one that evaluates the same baseline set of improvements without the bypass; and,
- Consider new scientific research documenting the detrimental effects of highway pollutants on the health of individuals, and children, especially; and
- Conduct thorough analyses of the potential health and noise impacts of the bypass on children attending the six schools and the residents of the neighborhoods located along its proposed route; and,
- Engage in meetings with impacted citizens and representatives of impacted schools concerning appropriate strategies to mitigate such impacts in time to appropriately implement mitigation strategies into design and construction of the bypass; and,
- Hold a public hearing to allow comment on the above information after it has been prepared.

Ms. Mallek said the proposed resolution brings together numerous ideas related to the project. The first paragraph assumes that the MPO long-range plan has been amended, with the knowledge that bids are about to go out.

Mr. Boyd asked if there is anything on this list that VDOT did not say they were going to do, because they did pick up a copy.

Mr. Thomas responded that everything on the list is either VDOT-enforced or federal guidelines.

Mr. Rooker said this resolution really just addresses the order. VDOT said they will do an updated traffic modeling for the bypass. The first bullet asks that they do a comparison of two scenarios. The second bullet is not something that they said specifically they would address, but he hopes they will. This resolution asks for some things that are not mandatory, such as the environmental assessment. The third bullet relates to impacts on schools. The fourth bullet relates to engaging in meetings with impacted citizens. The last bullet asks that they hold a public hearing to allow comment on the above information after it has been prepared. VDOT said they will hold a public hearing and he does not see any harm in sending a resolution asking for that public hearing and making certain that it get done. He added that the Board should have some input along the way as to when public input is gathered. There is nothing to prevent the County from hosting a meeting and asking VDOT to attend and allow citizens to provide input at an earlier point than what VDOT is considering. Mr. Rooker emphasized that the current timeframe has citizen input coming much later in the process, adding that it is a little more difficult to get something addressed in a change order than it is up front.

Mr. Thomas said the whole key to it is that it is a design project, and there are a lot of things VDOT does not have to do.

Mr. Boyd suggested postponing the resolution until next Wednesday to allow Board members time to review it.

Mr. Foley asked if the agenda was amended to take action on this.

Ms. Mallek confirmed that it was.

Mr. Dorrier commented that Mr. Utterback had agreed to most of these things.

Mr. Boyd said he does not think there is any problem with it, but he has not had time to review it.

Mr. Davis explained that this resolution is asking that before issuing an RFP these things be addressed, with the VDOT schedule proposing that the things be accomplished throughout the design build process. He said that VDOT agreed to address these things, but not before the RFP was issued.

Mr. Foley said that this is why it is important to have staff analysis prior to putting an item on the agenda for action.

Mr. Boyd suggested putting it on the agenda for next Wednesday.

Mr. Rooker pointed out that the entire bypass was voted on without a staff report.

Mr. Dorrier said this could be a technical impediment to getting the project done.

Mr. Rooker emphasized that this is a request and does not impose anything mandatory on VDOT.

Mr. Thomas said that Mr. Utterback's comment was that "VDOT will listen to what we say."

Ms. Mallek said that saying something to VDOT so they can listen and have the information is worthwhile, adding that they might save a lot of money in change orders if they slow down in the beginning and get it done right.

Mr. Rooker stated that the design build process is relatively new, and the question is how meaningful the input can be – so this request is for input to be given at the earlier stage.

Mr. Boyd said the only item he has concern about is the first bullet – "Evaluate updated traffic modeling for the bypass that includes comparison of at least two scenarios, including one that evaluates the baseline set of improvements with the bypass and one that evaluates the same baseline set without the bypass."

Mr. Rooker explained that it is the same set of improvements, adding that in order to determine the level of service you must have a with and without comparison. Otherwise, it is somewhat meaningless.

Mr. Boyd asked what good it does to study something they do not have the money to do.

Mr. Rooker said they could allocate whatever money they want, and it does not do a whole lot of good to do a traffic study if you do not have something to compare it against.

Mr. Boyd commented that he understood their traffic study was to focus on speed, access ramps, and other design elements – not an alternative design.

Mr. Rooker stated that it also includes the impact on the existing Route 29, and how it would improve or not improve that level of service.

Mr. Boyd asked if it would include the widening of Route 29, as that is the County's top priority – not Berkmar Drive.

Mr. Rooker said those items were not put in any order; they were just in a top five. He stated that all the Board is doing is asking for from VDOT is what improvement results from the construction of the bypass.

Mr. Boyd said he agrees with Mr. Rooker; he is not saying he is opposed to this, he just has not had a lot of time to think about it.

Mr. Dorrier commented that he thinks this puts VDOT on the spot, as it makes requests to be completed prior to issuing the RFP.

Mr. Rooker stated that he would certainly hope that the Board would be interested in impacts on school kids, and would seek to mitigate those impacts as well as possible in the design of the road.

Ms. Mallek said that in the past they have done environmental assessments and determined what the needs are, then did the design and then built it. Getting this information as soon as possible and having it be part of the design as much as possible, since the design is going to take a whole year instead of just this fall, then it seems like there would be plenty of item.

Mr. Dorrier asked why don't the Board just write VDOT a letter and ask them if they can consider these items.

Mr. Rooker responded that that's basically what this is; it is a resolution of request. The Board does not impose its will on VDOT; it is asking them to do something. If VDOT cannot do this, they can come back and say they cannot do it, but it would be helpful to at least make the request on the behalf of County citizens.

Mr. Boyd stated that this kind of implies that all of this has to be done before they put it out for bid, but the County knows based on what VDOT said earlier that this goes out for bids in 30 days. He does not think VDOT is going to change its plans.

Mr. Rooker said that perhaps if you back off of this timeframe you could say that before signing a contract for design and construction of the bypass these things would be accomplished. He reiterated that his concern is that public input and information would come after the contract is signed, adding that his suggestion of a lower design speed could lower the cost and impacts. Mr. Rooker emphasized that once they issue the RFP they are not going to go back and ask for a bid for a lower design speed. If you flush them out in advance, you can have some meaningful input. He added that the Transportation Department has a tendency to view these items as "checking off the list," and if the list is designed it should have some meaning – and in order to have meaning the input must be provided at a time it could make a difference.

Regarding the design speed, Mr. Thomas said he knows VDOT would downsize the ramp area on the south end because it was originally designed for interstate standards. VDOT will probably keep the design speed at 55 mph on the bypass and then reduce it to get back on Route 29 north.

Mr. Rooker said he was addressing the design speed of the road, as it dictates the vertical and horizontal alignments and requires a straight shot versus following the land, adding that the time

difference in 5 miles per hour is nominal, but it may make a difference in the cost, the design of the interchange and the cut across Stillhouse Mountain. All the Board can do is ask VDOT.

Ms. Mallek suggested that the design speed should be added in the new data bullet.

Mr. Boyd suggested voting on the proposed resolution next week which would allow them time to wordsmith it in the interim.

Mr. Rooker agreed.

Mr. Foley asked if staff should be involved. If staff did anything, they would probably ask Mr. Utterback if it is consistent with their plan.

Mr. Boyd said that it would not hurt.

Mr. Dorrier asked if it should be checked to see if there is anything illegal with it.

Mr. Davis responded that there is nothing illegal with it, but it is inconsistent with what they presented today and whether they would change their design and construction schedule is up to VDOT.

Board members agreed that they would welcome staff comment on this.

Mr. Rooker said that the idea here is not to hand VDOT what they are going to do, but simply to make a request from the community for the Department to address things they might not otherwise. He stated that he does not want staff to go to VDOT to make it what they want to do, adding that if requests are done before the project is signed off for design and construction they become kind of meaningless.

Ms. Mallek said she is also not interested in that type of feedback from VDOT either.

Mr. Dorrier said that VDOT's slide presentation already has that information in it.

Ms. Mallek said it is all very conceptual.

Mr. Rooker reiterated that this resolution asks that some of those things be done before a contract is signed, because once VDOT signs a contract it is for a specific design proposal that a third party has provided – it will not be informed by public comment at that point to any significant extent unless the Board asks for it.

Mr. Boyd again suggested the resolution be brought back next week with that change.

Mr. Snow said that a lot would be learned from the Environmental Impact Study so some changes would have to be made in the spring, but agreed with Mr. Rooker to get as much as possible in here now. He said that the request is for these issues to be addressed prior to the signing of the design and construction contract, rather than after it is signed.

Mr. Foley stated that staff would change this based on the discussion and bring it back.

Mr. Thomas said that all items being requested are stipulated by VDOT or the federal government. He if the Board was requesting that they be done before VDOT does anything.

Mr. Rooker explained that the request is for VDOT to address these things prior to signing the contract.

Mr. Snow said none of this is coming down with the TIP, it is just a request.

Board members agreed to have it brought back with the one change.

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Ms. Mallek said that she would like to bring back the sustainability accords discussion and would like the "short version" of what the County adopted, not the long version that does not apply locally.

Mr. Foley stated that staff can bring this back as part of the Cool Counties discussion, as this really is the basis for what is being done.

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Agenda Item No. 23 Adjourn to September 13, 2011, 3:00 p.m., CitySpace.

At 3:52 p.m., Ms. Mallek **moved** to adjourn the Board meeting until the four boards meeting on September 13, 2011 at 3:00 p.m. at City Space in Charlottesville. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek Mr. Rooker, Mr. Thomas, Mr. Snow, Mr. Boyd and Mr. Dorrier.

NAYS: None.

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Chairman

Approved by Board
Date: 12/7/2011
Initials: EWJ