

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 2, 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, Megan Hoy.

Agenda Item No. 1. Call to Order. The meeting was called to order at 9:01 a.m., by Ms. Mallek, the Chair.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Thomas requested that Agenda Item Nos. 20 and 21 be moved up on the agenda to allow for his participation in the discussions, as he has to leave the Board meeting at 12:30 p.m. for his aunt's funeral.

Mr. Rooker said that he would support moving those items up on the agenda. Mr. Boyd said he would also.

Ms. Mallek said the advertised agenda has the item heard at around 3:00 p.m., so this could preclude some public input.

Mr. Boyd said it is an action item, not a public hearing.

Ms. Mallek said that there would have been comments during "Matters from the Public."

Mr. Boyd said he would be comfortable moving the items up.

Mr. Rooker said there would be a lot of discussion about both of items and it is fine with him to move them up so that people can hear the Board's discussion.

Mr. Foley suggested the Board move Agenda Items No. 9, 11 and 12 to the afternoon to accommodate the change in scheduled. He noted that Mr. Blount was already present for Agenda Item No. 10.

Ms. Mallek confirmed the revisions to the agenda and proceeded with the meeting.

Ms. Mallek mentioned the Neighborhood Watch Program and encouraged audience members to consider a watch program in their neighborhoods. She added that with the new initiative of Police Chief, Colonel Sellers to reinvigorate the community policing program, this has become a very effective way for residents to increase safety and security of their neighborhoods.

Ms. Mallek then stated that the final agenda was approved as amended.

Agenda Item No. 5. Recognitions.

Item No. 5a. Governor's Technology Awards.

Ms. Mallek said that, on behalf of the Board of Supervisors, she was happy to recognize County staff and community partners for two programs that received statewide recognition during the Governor's Technology Awards ceremony at the 2011 Commonwealth of Virginia's Innovative Technology Symposium held in September.

In the category of *IT as an Efficiency Driver*, Albemarle County received Honorable Mention for its eProcurement system. The Finance Department worked with the Albemarle Information Technology Department to deploy a cost effective and efficient eProcurement system to support Local Government Agencies, the School Division, the Regional Emergency Communications Center and Jail. This new system has vastly improved the procurement and purchasing process by reducing the mountains of paperwork hand-delivered from the various agencies. For this award, she would particularly like to recognize Mr. Mike Culp, the County's Information Technology Director, and Mr. Hugh Gravitt, the County's Purchasing Agent in the Finance Department.

In the category of *Innovation in Higher Education*, Albemarle County also received Honorable Mention for its IT Intern Program – a collaborative effort with Piedmont Virginia Community College (PVCC). The IT internships are funded through a National Science Foundation Grant awarded to PVCC

for the dual purpose of improving student recruitment and retention in technology programs and strengthening relationships with technology employers in the PVCC service area. Interns increase the pool of skilled electronics, computer, and IT technicians needed in Central Virginia and gain valuable hands-on experience which provides them with the skills necessary to compete for full-time positions with technology employers upon graduation. This program resulted in approximately \$16,200 in measurable cost-savings for FY 2010/2011. For this award, she would particularly like to recognize the County's partners at PVCC, represented today by Jaylyn Stahl, Program Liaison for the internship program, and again thanks to Mr. Culp.

Ms. Mallek said the Board is extremely pleased with the statewide recognition particularly since both of these initiatives have saved time and money for the County and increased convenience and services to the citizens. She again expressed thanks to all the staff that have supported these programs for living the County's values of innovation and stewardship.

Item No. 5b. VML "Go Green" Challenge for 2011.

Ms. Mallek reported that the County received this certification at the 2011 Go Green Challenge, which is part of VACo and VML's environmental initiative kicked off in 2007. She said that this challenge is a friendly competition designed to encourage the implementation of specific environmental policies and actions that encourage environmental stewardship in local governments, and cities, towns or counties can become certified "green governments." Ms. Mallek stated that local governments earn green points by adopting or implementing up to 30 policies and actions, falling into 11 categories – from energy efficiency and green buildings to land use and innovation. She said the County received 170 out of 200 total possible green points and this is the second year Albemarle has scored in the gold level, receiving points for supporting the LEAP program for County residents, and the Better Business Challenge for local businesses – which are both integral parts of the County's green government efforts.

LEAP provides local residents and property owners with information on creating a healthier, and more comfortable and affordable home or building. The mission of the Charlottesville Area Better Business Challenge is to increase business operational efficiencies and sustainability while raising awareness through a variety of outreach efforts. The County is currently implementing a Countywide environmental management system and participates in public outreach programs through the Rivanna Regional Stormwater Education Partnership.

Ms. Mallek said that, on behalf of the Board, they are very pleased to receive this recognition in environmental stewardship and appreciates the staff's and the community's efforts that made this possible. She then presented the award to Mr. George Shadman and Mr. Andy Lowe who lead this effort for the County.

Mr. Lowe said the award would not be possible without the support of the Board and County executives.

Mr. Boyd asked IT Department staff to stand and be recognized.

Item No. 5c. Albemarle County Firefighters - Fill the Boot Campaign for the Central Virginia Muscular Dystrophy.

Ms. Liz Nixon, Fundraising Coordinator for the Central Virginia MDA, addressed the Board and introduced Mr. Seth Grubb, this year's Campaign Coordinator, and Ms. Kirsten Miles, mother of a child with MD. Ms. Nixon said this was the fourth year firefighters participated in the Program, this year raising \$7,606.00. Ms. Nixon said these funds would help over 2,100 families in Central Virginia living with a neuromuscular disease. The funds would go to services such as flu shots, support groups, kids' summer camp, and research towards a cure. She stated that researchers have been able to treat one of the diseases, and gene therapy has doubled the life of young boys with Duchenne muscular dystrophy, the most common form of the disease. They really are making progress, and again it could not be possible without our firefighters. The firefighters not only raise money for MDA, but they also assist at their camp every year. She then presented plaques to Mr. Grubb.

Ms. Miles said her daughter showed signs of a neuromuscular disorder at age four, but she was eight years old before they had a diagnosis. It was at Kluge's muscular dystrophy clinic – funded in part by "Fill the Boot" – that her daughter's disease was finally identified. Ms. Miles stated that the diseases are very isolating because it is difficult for children like her daughter to get into other people's houses, but she is encouraged by her Albemarle County firefighter "big brothers" who make her welcome at the fire stations and come to camp. The firefighters have offered to be available to her daughter; they give her a sense of purpose.

Ms. Nixon mentioned that the firefighters have raised over \$41,000 for MDA since the partnership began in 2008. She again thanked the firefighters and thanked the County for allowing this partnership to happen.

Agenda Item No. 6. Appointment of Human Resources Director.

Mr. Foley announced the recommendation of Ms. Lorna Gerome as Director of Human Resources. Ms. Gerome has a B.S. in Government Studies from U.Va. and an M.A. in Public

Administration from North Carolina State University. Mr. Foley said that Ms. Gerome began her career with Duke University as an HR consultant but has been with the County since May 2000, where she has served as Human Resources Manager from 2000-2003, Manager of Compensation and Benefits from 2003-2007, and Assistant Director – as well as serving as Acting Director since October 2010. He said that Ms. Gerome successfully competed against 64 applicants in a joint recruitment effort with Albemarle County Schools and local government. Through the joint agreement with Schools, Ms. Gerome has served as the Schools Human Resources Director. The School Board considered the recommendation in October, and he is pleased to recommend the appointment by the Board of Supervisors. The appointment will be coordinated with the School system to be finalized in the next several weeks.

Motion was offered by Ms. Mallek to approve the appointment of Ms. Lorna Gerome as Director of Human Resources. Mr. Rooker **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.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Josh Davis, Interim Chief Operating Officer for Albemarle County Public Schools, said that he was here to speak about the US 29 Bypass and said he has served with Mr. Rooker's Jack Jouett Committee. He stated that the road itself is controversial, but whenever a road is built it must be weighed in terms of positive and negative impacts of the road and come to some consensus in working with all of the governmental organizations involved in constructing the road. Mr. Davis said that Mr. Rooker has demonstrated leadership in holding the committee and at the first of three meetings they have held Mr. Rooker encouraged everyone to work as a committee despite any differing viewpoints. Mr. Davis stated that they had a lot of professional discussion within the committee and came to consensus and compromise, and he is here today to endorse the resolution that would be presented to the Board today. He said that as their COO, the Schools are very interested in remediation of the noise from the project during the construction and at the completion of the road, and they are interested in replacement of an athletic field at Greer Elementary School that would be too close to the road for use once it is constructed.

Ms. Sally James, a resident of White Hall, said she was present to appeal to the Board to build the new Crozet Library sooner rather than later. Ms. James said the need for the library is immediate, multi-faceted, and intertwines several layers of their community, and to wait would mean taking detrimental steps backwards. She stated that to build now would create construction employment at a time it is sorely needed and would take advantage of currently lower building costs. Ms. James stated that to build now would build ancillary monies to Crozet and surrounding communities as people involved in completing the library would spend time and resources there. She said that to build now would bring a sense of hope through activity that is forward looking and community-minded, and the present library has proved to be a hub of the community – bringing together people of all ages and interests through all kinds of events. Ms. James stated that the library is a place for people to connect and grow, and Crozet was chosen to be a growth center for the County and it has grown. The new library has the potential to continue to be a central meeting place for a community that has become more diverse. She said it can be a place where the best of old Crozet meets the excitement of new education and creation of a cohesive community. To build now puts muscle to what they have mouthed over and again that education does matter and that the community cares that children use and develop their minds. To delegate monies for the project and beginning construction now could reap benefits that would reach far beyond the foundations of this one building. She asked that the Board let it be an example of a community caring for its members.

Mr. Karl Pomeroy addressed the Board, stating that many studies have shown that construction of libraries in communities like Crozet has spurred other development. He lauded the Board for establishing the reconstruction of Jarman's Gap Road and Library Avenue. Building the new library would spurn new development in downtown Crozet. He encouraged moving the library project from fantasy to non-fiction.

Mr. Alexander Giannis, said that everything had been stated very well and he only wanted to add how wide and useful the library is to Crozet and Western Albemarle County.

Ms. Pat Hurst, President of the League of Women Voters of Charlottesville and Albemarle, urged the Board to pass the Equal Rights Amendment resolution (Item 8.8 on the consent agenda) before them. The ERA affirms that women and men have equal rights under the law. Ms. Hurst said the ERA was first introduced in the US Congress in 1923 and was introduced every year after until it passed in 1972 – then sent to states for ratification. She stated that by the deadline for ratification, 35 states had ratified it – falling three short of the necessary 38 – and that was in 1982. Ms. Hurst said that the Board's resolution would have meaning beyond symbolism, and the precedent is the Madison Amendment – the 27th amendment of the Constitution – passed by Congress in 1789; it was ratified 203 years later, in 1992. In 1996, the Congressional Research Service found support that approval of the ERA by three more states could allow Congress to declare ratification accomplished. Ms. Hurst said that ratification bills testing this strategy have been introduced in eight states including Virginia, and in the 2011 session the Virginia Senate passed a resolution ratifying the ERA. She urged the Board to show support for the principle that women and men have equal rights under the law by voting affirmative of the proposed resolution.

Mr. Christopher Winter, a resident of Stony Point, said that he was present to show support for the reopening of the County's portion of the new parkway between Melbourne Road and Rio Road. He said that he admits to the good intentions of opponents to growth in the area, but he also hopes the Board would use foresight in recognizing unintended economic consequences to no-growth policies. Mr. Winter said that lack of jobs due to poor or inadequate infrastructure brings little hope for human development in the area. He asked that the road be opened in order to better maintain it and to free up traffic flow. He said that westbound traffic on Melbourne Road from Park Street attempting to turn right at the traffic light got terribly snarled when the road first opened, and suggested that they put in two westbound lanes starting at Park Street on Melbourne to the light at the Parkway, which would allow for free movement for vehicles turning onto the Parkway. Previously, Mr. Winter said, vehicles wishing to go straight through the Parkway light blocked vehicles wanting to turn right onto the Parkway during a red light.

Ms. Madison Tegen, a sophomore at Western Albemarle High School, said she was present to support the building of the new Crozet Library. Ms. Tegen said she has been a teen volunteer at the library for two summers, and said librarians make people want to come back again and again. She also noted that the Crozet Library has the highest number of patrons out of all the JMRL libraries but is also the smallest, often holding events for people of all ages. It is a very community-oriented library. Ms. Tegen said there is very limited parking at the library – about seven parking spots – and when they host events there are often not enough spots so people must park in the spots of other businesses, which is not fair to them. Inside the library, she stated, it is very cramped and librarians have a very small area to work in – with books stacked to the ceiling and in cases on the floor. Seasonal books are stored in the back room with reference books which is hard to access. Ms. Tegen said that every walkway in the library is a squeeze to get through, and there simply isn't enough space. She asked for the Board's support in building a larger library

Mr. Mark Kastan, Executive Director of the Colonnades Senior Living Retirement Community, addressed the Board. Mr. Kastan said he fears for the viable life of the Colonnades and the livelihood of the 360 residents who call it home, as well as the 185 employees who depend on its success and existence. He stated that he is here to support the initiatives put forth by Mr. Rooker's committee and although he still feels the bypass is not the right road, he is hopeful if it moves forward the initiatives would help lessen the impacts to the retirement community. He added that their residents move to the Colonnades because of its high level of service and amenities, and because of the serene atmosphere, clean air and attractive views. All these help sell the Colonnades, not one on its own. They need the Board's help to ensure that they remain a business by ensuring that these are all reasons for moving to the Colonnades and they continue to exist.

Mr. Jack Renard, President of the Residents Association of the Colonnades, said that he attended one of the Jack Jouett committee meetings. Mr. Renard said that the Colonnade residents fully support and consider absolutely necessary the 27 requests for inclusion in the amendment to the RFP put forth by that committee, adding that the quality of life of senior citizens could be at stake. He stated that the residents ask the Supervisors to use their authority to ensure the requests are included by VDOT in the final contract proposal. Although not discussed at the committee meeting he attended, a recently released traffic experts report calls VDOT's use of a traffic analysis prepared years ago to frame its recent RFP unreliable. Mr. Renard said that the report states the proposed bypass would be ineffective when it comes to solving congestion on Route 29 and those outdated projections cannot lead to valid traffic forecasts for the future. He asked how they can proceed with a project that will not meet those goals. He said that a new and realistic study is called for, and common sense requires it – and responsibility to the people of the County demands it. He urged the Board to do the right thing.

Mr. Tom Howard, President of the Board of Directors at the Dunlora Homeowners Association, addressed the Board and said he was here to talk about reopening the County's section of the Meadow Creek Parkway. Mr. Howard said that the 378-home community he represents has its only entrance "right at the heart of the matter" – across from CATEC, at the head of the Parkway, and at the 90-degree turn that takes Rio Road east down onto Park Street. He stated that traffic has been untenable for that neighborhood for at least two years, between the construction starting at the overpass, the bridge crossing the railroad tracks, moving onto re-routing traffic at Dunlora Drive and CATEC, and onto the new major traffic light and 90-degree turn that takes Rio out west. Mr. Howard said that construction is still going on in Belvedere and the County has approved Dunlora Forest, which would add many occupants in apartment complexes to the west. He stated that VDOT created a new temporary traffic light for Dunlora until the reopening of the Parkway. Mr. Howard also said that residents went to the City and asked them to rescind that portion of their 2008 resolution that demands that no part of the Parkway be opened until all of it is ready, and asked the Board to do the same. He asked the Board to pen the Parkway since it is built, it works and they loved it. It does not appear to be a danger to the high school, even though that is what one of the City Council members said.

Ms. Jane Kulow said that she lives near Ivy and is a frequent Crozet Library user. Ms. Kulow presented pictures of the library, which at 1,728 square feet is smaller than most Albemarle County single-family homes. She said the Virginia Library Board had their standard medium recommendation as .8 square feet per person, and Albemarle County's recommendation is .7 square feet per person; with an estimated population served of about 25,000 the current library provides .069 square feet per person. Ms. Kulow said that Virginia Library Board recommends two library materials per capita, 50,000 for the population, with their current collection at approximately 33,000 – which cannot be added to due to space

constraints. She stated that the standard expansion tipping point for libraries is when the circulation is 15 items per square foot per year, and in 2010 in Crozet that number was 80. Ms. Kulow said that the cost to build this library in 2007 was estimated at \$8.5 million; in 2009 it was \$6.4 million; and in spring 2011 it would be \$6.9 million. She asked how much it will cost this fall. Ms. Kulow urged the Board to build the library before it gets any more expensive.

Mr. Ron Londen said that he and his wife have lived in Dunlora for 16 years. Mr. Londen said there are hundreds more houses in the area now and on that stretch of Rio Road that would be aided by the opening of the Meadow Creek Parkway, there are 20 private driveways and 13 roads leading to multiple dwellings – with the equivalent number on Meadow Creek at zero. He emphasized that the County has an opportunity here to make a move to substantially improve the situations and the daily living for a lot of residents. He asked the Board to vote to open the Parkway.

Ms. Emerald Young, a County resident, said that she was present to speak about ending water fluoridation – as fluoride is the only chemical added to water to treat humans rather than the water itself. Ms. Young said that for many years information about the health risks of fluoride have been suppressed for many years, and not having informed consent is a violation of medical rights and medical ethics. She stated that the chemical put in drinking water is a toxin collected from processing of phosphate rock for fertilizer, so essentially communities are buying industrial waste as a treatment for preventing cavities, and drinking it does not prevent cavities – but applying it topically does. Ms. Young said that Chemcare is the division that transported the material to the local community, and it said on their website that they transport it from the location that generates it to the disposal facility. She asked if the County's drinking water a disposal facility.

Ms. Barbara Cruickshank said that she is a registered nurse at U.Va. Medical Center and has a Master's in Community Health Nursing from their also. She said she is on a committee focused on improving pregnancy outcomes at the local Health Department. Several years ago the Board adopted a safer chemicals policy that led to integrated pest management in schools – which enabled them to dramatically reduce the use of pesticides. Ms. Cruickshank said that she worked with the Virginia Nurses Association and other school districts modeled what was done in Albemarle County, and now there is an opportunity to look at the science on fluoride in water. She stated that the CDC, the American Dental Association, and countless physicians and scientists are recommending that pregnant women and children under 12 months not have fluoride in their water. Ms. Cruickshank said that bottle-fed infants are at particular risk for ingesting large quantities of fluoride because the formula is mixed with tap water, so for their body weight they are consuming toxic levels. She stated that fluoride has been linked to fluorosis, a mottling of the teeth, and studies are also linking it to osteo-sarcoma – an aggressive form of bone cancer found mostly in males under age 20; studies also link fluoride to neurologic disorders, and it is a known endocrine disruptor as it impedes the functioning of the thyroid gland. She said individuals should have the right to decide whether they want to ingest fluoride. She asked the Board to read the science and then join the many communities around the U.S. that have already stopped fluorinating their public water supply.

Ms. Donna DeLoria addressed the Board, stating that she is with the law firm of Payne & Hodous and indicating she is here to speak on Mr. Kim Heischman's behalf. She explained that Mr. Heischman lives and has interest in property lying between Old Ivy Road and Leonard Sandridge Road, including Ivy Gardens Apartments, property in Huntington Village, and development land that adjoins the planned southern interchange of the Western Bypass. Ms. DeLoria stated that VDOT's property acquisition for the project has already severely damaged the development land and Mr. Heischman does not want to see the area hurt further. She said that he would like to echo concerns articulated by the Jack Jouett Advisory Committee: pedestrian safety improvements are going to be needed on the Leonard Sandridge Road due to the increased traffic, as there are many students and others who walk along and cross the road on a daily basis. Ms. DeLoria stated that additional sidewalks, crosswalk improvements and a pedestrian walkover, ideally, would be needed in this area. Second, noise control measures would be needed during and following the construction, and in particular the VDOT land that will lie between the southern interchange ramps and this adjoining development land is ideally situated for an earthen berm as a noise barrier. Third, access to Old Ivy Road would need to be maintained and improved during construction as this old road has become an important business, residential and University area. She stated that additional access should be provided to the interchange and Leonard Sandridge Road in that area. Fourth, the design and location of the southern terminus and interchange would affect these properties in addition to the properties of U.Va., St. Anne's Bellfield and the Canterbury Hills neighborhood – and Mr. Heischman asks to be included in discussions with those parties. She noted there is a more detailed written statement that she has given to Mr. Rooker.

Ms. Kobby Hoffman said that she is here on behalf of the Charlottesville Regional Chapter of the National Organization for Women and many caring men and women in the County. Ms. Hoffman said the Equal Rights Amendment ensures that men and women will have equal rights under the U.S. Constitution, and it is still needed because the Constitution currently fails to do so – to the detriment of all citizens. She said that women explicitly have, in the Constitution, the right to vote in the 19th Amendment, as Justice Scalia wrote in January 2011 that the 14th Amendment does not cover women. Rights that are not supported in the Constitution can be undermined in the courts and legislatures. Laws are easily more easily changed. Ms. Huffman said there are 22 states, including Virginia, that do include freedom from government discrimination on the basis of sex, but about two-thirds of people believe they already have

equal rights and 88% believe it should be in the Constitution. She stated that the problem is that the courts cannot consider gender cases before them on the same level of seriousness on their impact on society as they do for cases related to race, religion and national origin. Ms. Huffman said the change with the Madison Amendment has opened up the opportunity now for an amendment. She asked for the Board's support.

Mr. Katurah Roell addressed the Board, expressing his support for the Crozet Library and stating it would be a significant contribution to the community. He said there could be a learning center established there with PVCC, and the growth it would provide for the area would all be an integral part of the area's success. Mr. Roell stated that equally important to the Meadow Creek Parkway and the Western Bypass is the Route 240/250 connector in Crozet, as it is a key point for crossover in the transportation network.

Mr. Charles Battig addressed the Board and presented Congressional testimony that negated the validity of IPCC. He reported that Abingdon, Virginia is the latest locality to drop out of ICLEI. He then presented a statement from the United Nations Secretary General referring to ICLEI as a long-time partner of the United Nations. Mr. Battig said that Florida has recently dropped smart growth planning and hopes to have 700,000 more jobs. He also stated that ICLEI is all about sun cosmic rays and clouds, not CO2, with no warming shown for the past 10 years.

Ms. Renate Weber, a County resident, said that she is here to show support for the Crozet and Western Albemarle needs for a library that can support the needed services. They have built the parking lot, now they need a building.

Mr. Kirk Bowers, a County resident, addressed the Board, stating that he would like to support the Crozet Library. He said that he was also present to speak about the Route 29 bypass. Mr. Bowers presented audio depicting the sound of trucks. Last week the Southern Environmental Law Center released a review of the previous impact studies and the traffic studies. He read several excerpts from those studies, emphasizing that "the proposed bypass will do little to meet the objectives of the RFP. The purpose is to relieve congestion on existing Route 29 and to improve the movement of through traffic. The studies in 1988-90 gave Route 29 a failing level of service 'F' because there are not traffic movements involved." Mr. Bowers said that in summary the only complete forecasting for the bypass, which was done over those years and formed the basis for the traffic analysis, showed that the bypass would divert only a moderate amount of traffic from Route 29 because the majority (90%) is local; and secondly the diverted traffic would not be great enough to prevent Route 29 from operating at level of service "F." Mr. Bowers stated that he vehemently opposes the bypass and said the County needs to go back to the drawing board.

Mr. Philip Best said that he chose Crozet when he moved back to Albemarle County because it is a vibrant community and it is not as big as Charlottesville. Mr. Best said that his biggest disappointment about living in Crozet is the condition of the library, and he actually comes to town to use the Gordon Avenue Branch Library. He stated that not having a library that provides an adequate place for people to sit and relax diminishes the quality of life in Crozet, and he expressed the urgency for the need for a new library there.

Mr. Don Kirwan, a member of the Jack Jouett Design Advisory Committee, spoke and urged the Board to support all of the recommendations in the resolution they would be considering later today. He stated that the Committee carefully developed the recommendations to avoid adverse impacts to neighbors and schools both during construction and after the bypass would be in use. Mr. Kirwan emphasized the importance of recommendation #13 dealing with the southern interchange, which is the most complex element of the bypass project. He stated that a subcommittee comprised of representatives from U.Va., Canterbury Hills and St. Anne's Belfield carefully worked on the wording, which was then supported by the entire committee.

Mr. Mark Sanis said he served as the University's representative on the Jack Jouett Bypass Committee chaired by Mr. Rooker. Mr. Sanis said the University believes the recommendations made by this Committee are reasonable and appropriate for the project at this time, and regarding the southern terminus U.Va. is concerned along with other groups about the impact of it on its people – concerned enough that they are doing their own assessment on the impact of proposals and assessment for possibilities of a design that would minimize impact overall and achieve the goals of the project.

Ms. Jane Porter Fogelman addressed the Board, asking the Board to endorse each recommendation from Mr. Rooker's committee. The majority of the bypass – 4.5 to 5 miles – runs through the Jack Jouett District. Ms. Fogelman said the committee spent numerous hours and a great deal of talent in crafting the recommendations. They wanted to make the bypass as aesthetically pleasing, low impact and marginally intrusive to the neighborhoods and environment as possible. She stated that the majority of the bypass will be impacted by every recommendation and encouraged the Board to make them a part of the design-build RFP moving forward on November 8.

Mr. John Springett said that he and his wife have lived in Dunlora for the last 15 years. Mr. Springett stated that they do have in the County's portion of the Meadow Creek Parkway something that is useable, as it is built, it is paid for, and he feels kind of insulted that it cannot be used. He urged the Board to request VDOT to open the road. He cannot imagine the reasons for not doing so.

Ms. Laney Kaminer, a member of the Jack Jouett Bypass Committee, representing Montvue Subdivision, urged the Board to adopt the Committee's resolution strongly encouraging VDOT to accept recommendations as part of the November 8 amendment to the RFP. Ms. Kaminer said that Montvue Subdivision has been held hostage by the bypass for the last 20 years and their property values have suffered because of the uncertainty. She stated that VDOT has purchased homes at the end of Magnolia and Montvue Drives and has rented them to owners and tenants that have been problematic for their neighborhood. She emphasized that the neighborhood has been blighted, and if the project goes forward as planned there would be even further disruption to their lives and real estate values for the next five years. She said that she fears that the houses on the west side of Montvue would be unsalable at a fair price. Until the project is complete, she said, they ask the Supervisors and VDOT to have some compassion for their situation and if they are going to proceed with this road to at least mitigate further impacts to the neighborhood by addressing the recommendations concerning speed, grades, noise, landscaping aesthetics and schools. Ms. Kaminer stated that the recommendations are rather benign because the residents stand to lose so much.

Ms. Elly Tucker addressed the Board, stating that she and her husband, Bill, have been residents of the County for almost 40 years. She said she is here to voice her concern about the impact of the Western Bypass construction and to request that the Board adopt a resolution supporting the recommendations of the Jack Jouett Design Advisory Committee to mitigate some of the negative impacts. Ms. Tucker said the conclusions of a review of VDOT traffic forecasts for the bypass by Norman Marshall, a traffic engineering consultant, have been released as Mr. Bowers addressed. She said even if the bypass is built, the level of service on that portion of US 29 would remain an "F," and the benefits of the project would not go to local drivers but to through traffic – and Mr. Marshall says if the Route 29 Bypass makes travel to and from areas in Albemarle and Greene Counties and the greater Route 29 corridor more accessible, it would encourage both residential and commercial development in those areas. Ms. Tucker said this increased development would cause further increased traffic volumes, totally offsetting any benefit of the project. Before a bypass is built, she said, VDOT should analyze alternative investments such as grade-separated intersections at Rio Road, Hydraulic Road, and Greenbrier Drive – s well as other elements listed in the Places 29 plan such as the Hillsdale and Berkmar Drive extensions. She said that her sincere hope is that the next time she comes before this Board, she will be looking at two new faces who would care about their constituents, listen to the citizens of the County, believe in transparency in government, hold business during hours when the citizens can participate and refuse to sell the people of Albemarle out for funds that have political strings attached.

Mr. George Larie, a County resident, stated that he would like to second what Ms. Tucker said. He is completely opposed to the construction of the bypass and urged the Board to reconsider their decision to accept state funds to build this road. He said that he thinks it is a terrible mistake. Mr. Larie said that if the bypass is to be built, he has attended all meetings of the Jack Jouett District Bypass Advisory Committee and can assure them that the committee spent enormous hours and time and thoughtful consideration of their recommendations in the construction of this road so as to minimize the impacts to citizens. He stated that he is a resident of Colthurst, which is one of the affected subdivisions, and is also past president of their property owners' association. Mr. Larie said those residents are extremely concerned about the impact to their neighborhood, and urged the Board to approve the resolution of the committee.

Mr. Morgan Butler addressed the Board, stating that he is here on behalf of the Southern Environmental Law Center. Mr. Butler said that several speakers have mentioned the transportation report the SELC released last week on the proposed bypass, and the report covers a lot of ground and data. He stated that the report evaluates prior traffic forecasts done on the bypass and compares the older projections with actual traffic counts along the corridor, and it considers the impact of recent development approvals and traffic lights north of the bypass. Based on that information, Mr. Butler stated, the report finds that the bypass would not be an effective solution to traffic congestion on existing Route 29 and it urges the Federal Highways Administration and VDOT to focus instead on targeted improvements to Route 29 itself, such as parallel roads and overpasses at the busiest intersections. He said this confirms the value of the approach the region was taking until the Board suddenly reversed course this summer.

Mr. Butler stated that the report was done by Norman Marshall, a traffic expert with Smart Mobility Inc. – a firm that specializes in transportation modeling, design and planning. He said that the report, which is available at www.southernenvironment.org, also identifies key steps that VDOT and FHWA need to take to develop a valid traffic forecast that presents a complete and reliable picture of the bypass before the proposal is advanced any further – including an alternative to the bypass that includes grade-separated interchanges on Route 29 as well as expanding the local parallel road network. Mr. Butler said the report reveals the shortcomings of the proposed bypass and the availability of more effective projects and it demonstrates the need for a new traffic modeling effort to be thorough and to compare the bypass to alternatives. SELC urges the Board to review and carefully consider the report and the important issues

it raises, adding that the SELC would be happy to meet with any Board member to discuss questions they may have about it.

Ms. Emily Thomas Clark, a 7th grader at Henley Middle School, said she is here to talk about why to keep the Crozet Library. She said the library is a fun place for her to go, work on projects and it is a safe environment. She said a new library is needed to allow room to do their programs. Ms. Clark also said the books are stacked high everywhere and there is not enough room.

Ms. Donna VandePol, a County resident, said that VDOT had secretly reappraised the bypass design at over \$436 million but plans to stick to a \$200 million budget by having private companies completely redesign it. She said that eviscerating the budget by half would force creative designs that would degrade the already doubtful cost benefits of the road, and would result in negative environmental, health, noise and safety impacts and a less aesthetically attractive design. Ms. VandePol stated that VDOT plans to do the absolute minimum design possible without any local input, and the citizen committee recommendations are the only opportunity to provide input. She stated that these must be included in the RFP and if they are not, VDOT plans to outsource consulting, designing, building control to private firms for the express purpose of getting a shovel into the ground as fast as possible. Ms. VandePol said that without citizen involvement, the lowest bidder – not VDOT or citizens – will redesign the bypass. She stated that the termini are not the only concerns. Undesirable outcomes and negative consequences to the neighborhoods will result in using this method unless the Board passes the recommendations as a resolution.

Mr. Scott VandePol addressed the Board, stating that he was a member of the committee. Mr. VandePol said that residents next to the Route 29 Bypass are going to bear huge costs, and at present VDOT and the Board propose doing nothing to mitigate those costs. He said if the RFP proceeds unamended there will be nothing to compensate permanent, massive loss of property value to citizens, nothing to mitigate permanent noise and pollution, nothing to compensate years of construction noise and pollution, and nothing to compensate years of access disruption to the citizens. Mr. VandePol stated that the reasons residents would be exploited this way is because they are not protected by the RFP and because this is a low-bid proposal, no mitigation would be included unless it was written into the RFP initially. He said there are currently no specific protections and the VDOT noise manual is worthless to them, as it would not protect schools or neighborhoods if the lot size is one-half acre or more. In contrast, the State protects itself completely; U.Va. got all of their concerns written into the current RFP up front. On page 16 of the current RFP, it states “every possible aesthetic measure taken to preserve and enhance the University’s considerable investments in the setting and appearance of its Darden School of Business and Law School, acoustic buffering shall be used with sound walls faced with materials compatible with those historical in use at the University.” Mr. VandePol said that currently, residents who are being actively harmed by the state have none of their concerns in the RFP. This is unjust. He encouraged the Board to support the recommendations by the force of a Board of Supervisors’ resolution.

Mr. Thomas asked the public not to single out specific Board members.

Mr. Rooker reiterated that is part of the Board’s rules.

Mr. Max Evans, a community resident, said that he has four items he would like to present related to the bypass: protection of residential and school sites, which can be most effectively accomplished through earthen berms to cut down noise then adding landscaping; inclusion of bio-retention basins with service access from areas other than the highways; adequate access to both northbound and southbound lanes for emergency vehicles; and alignment of the northern terminus that addresses access to the reservoir, pump station, and the dam. He added that the extension of Berkmar Drive in that area is on the wrong side with respect to the cloverleaf.

Mr. Jeff Werner, a City resident, stated that he is here as an individual and not on behalf of any organization. He said that he is a Charlottesville High School parent, and a lacrosse coach at CHS. Mr. Werner said he is a long supporter of the Meadow Creek Parkway, but the Board is being careless and premature in their decision to demand it be open, without information. He stated that CHS athletes are constantly crossing Melbourne Road from the school to the practice fields in the stadium, adding that he is a lacrosse coach and his son would be running across the street to get to those fields when he plays next year. Mr. Werner said that the Parkway issue is pure and simple politics, and asked why the Board now wanted to “be like the City” in not meeting its agreements. He stated that there was an agreement to evaluate the impact before opening Meadow Creek Parkway, and asked “how dare you put his son at risk...[or] put any of my lacrosse players at risk...[or] any Charlottesville High School students at risk simply to score some political points a week before the election.” Mr. Werner said that VDOT had indicated they would provide information on this, and the Board could make a decision after that. This is despicable, gentlemen and Ms. Mallek. He asked them to do the right thing.

Mr. Neil Williamson, of the Free Enterprise Forum, said there has been a fair amount of discussion regarding the Smart Mobility report sponsored by the Southern Environmental Law Center. It is most interesting report, but the data used is the oldest available and he has significant concerns about the report for cherry picking data. Mr. Williamson said that Smart Mobility, based in Vermont, focuses on projects that change transportation patterns to lesser roads. They are an anti-road mobility consultant.

He thinks this is an important fact to have when they consider any report – who has written the report and why a consultant from Vermont knows better than the Department of Transportation.

Agenda Item No. 8. Consent Agenda.

Mr. Snow said he would like to pull Item 8.8, the Equal Rights Amendment, for later discussion.

Motion was offered by Mr. Rooker to approve Items 8.1 through 8.9, pull Item 8.8, and to accept the remaining items for information. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: August 17 and September 21, 2010; March 2, March 3, March 7(A), March 9(N), April 19(A), April 20 and June 1, 2011.

Mr. Rooker had read the minutes of August 17, 2010(A) and found them to be in order.

Mr. Boyd had read the minutes of September 21, 2010 and found them to be in order.

Mr. Thomas had read the minutes of March 2, 2011 and found them to be in order.

Ms. Mallek had read the minutes of March 3, 2011 and found them to be in order.

Mr. Rooker had read the minutes of March 7, 2011(A) and found them to be in order.

Mr. Dorrier had read the minutes of March 9, 2011(N) and found them to be in order.

Mr. Rooker had read the minutes of April 19, 2011(A) and found them to be in order.

Mr. Snow had read the minutes of April 20, 2011 and found them to be in order.

Ms. Mallek had read the minutes of June 1, 2011, pages 1-30 (end Item #18) and found them to be in order.

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

Item No. 8.2. Cancel November 9, 2011 Regular Night Meeting.

By the above-recorded vote, the Board agreed to cancel their November 9, 2011 Regular Night Meeting.

Item No. 8.3. FY 2011 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 2011 appropriations itemized below is \$362,175.32. 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 three (3) FY 2011 appropriations as follows:

- One (1) appropriation (#2011093) totaling \$215,268.81 for required County obligations in FY 10/11 that exceeded initial budgeted amounts;
- One (1) appropriation (#2011095) totaling \$131,455.92 for various school programs; and
- One (1) appropriation (#2011096) totaling \$15,450.59 for expenses that exceeded rental income at the Old Crozet School.

Staff recommends approval of the budget amendment in the amount of \$362,175.32 and the approval of Appropriations #2011093, #2011095, and #2011096.

Appropriation #2011093	\$ 215,268.81
Revenue Source: General Fund Balance	\$ 215,268.81

This request is for an appropriation to fund required County obligations in FY 10/11 whose costs exceeded initial budgeted amounts. This request will appropriate \$215,268.81 from the General Fund Balance as follows:

- **Circuit Court - \$20,766.00** – This is primarily to cover the payment of overtime hours worked by one County employee within the Circuit Court who has worked a total of 428 uncompensated overtime hours since her start date. Since discovering the employee’s accumulation of overtime, the employee is currently required to complete timesheets consistent with the organization’s on-going practice of maintaining Fair Labor Standards Act compliance. In addition, this appropriation includes funding for unanticipated equipment repair incurred during FY 10/11.
- **Fire Rescue - \$35,900.00** – This appropriation covers over-expenditures in Fire Rescue that were incurred as a result of mandatory overtime dictated by changes to the Virginia State Code.
- **City of Charlottesville Fire Contract - \$30,129.30** – The City fire contract actual expenses exceeded budgeted expenses in FY 10/11. These expenses are based on the net City-to-County call volume experienced in FY 09/10. During the FY 09/10 period, the County experienced two significant snow storms and a number of summertime micro-bursts. The weather related events caused the actual net City-to-County call volume to exceed the estimated amount by about 90 calls.
- **Albemarle Charlottesville Regional Jail - \$107,583.22** – This is to provide the funding required by the County to the Regional Jail per the regional agreement. In FY 10/11, actual inmate days were 5%, or 4,095, higher than planned, resulting in a required expenditure over budget.
- **Fire/Rescue Tax Credit - \$3,713.17** – This personal property tax credit may be applied toward any vehicle owned by an active fire/rescue volunteer. In FY 10/11, utilization of this program exceeded budget by \$3,713.17.
- **Blue Ridge Juvenile Detention Center - \$17,177.12** – This is to provide the funding required by the County to the BRJDC per agreement. This was due to the County’s per diem usage at the facility during FY 10/11 and the per diem cost adjustment that occurred during the year.

Appropriation #2011095			\$131,455.92
Revenue Source:	Miscellaneous Local	\$	59,759.46
	State Revenue	\$	3,066.00
	Federal Revenue	\$	68,630.46

This request is for School Division appropriations approved by the School Board on September 8, 2011. This appropriation request of \$131,455.92 is for the following:

- The 21st Century Community Learning Centers federal grant funds are used for the Club Yancey After School Program which provides academic, civic, cultural, and fitness/wellness enrichment to eligible students at no cost to the parents. There is a fund balance in the amount of \$39,795.78 from FY 09/10 which may be appropriated for use in FY 10/11.
- Algebra Readiness funds provide mathematics intervention services to middle school students who are at risk of failing. FY 10/11 expenditures exceeded appropriations, which were based on the amount the County expected to receive in State funding. This request is to appropriate an additional \$3,066.00 that was received in State funding to balance the fund.
- Albemarle County Public Schools Department of Transportation received a grant from the Hampton Roads Clean Cities Coalition Federal pass-thru grant in the amount of \$28,834.68. These funds were used to purchase idle reduction kits for 14 buses. These kits provide a reduction in engine idling, diesel fuel consumption and emissions, and warm cabins on the buses.
- An appropriation in the amount of \$59,759.46 from Albemarle High School's activity fund to reimburse the County School Division for athletic items purchased for Albemarle High School.

Appropriation #2011096			\$15,450.59
Revenue Source:	General Fund Balance	\$	15,450.59

In FY 10/11, the Old Crozet School Fund had maintenance expenses of \$75,670.75 and rental receipts of \$60,150.31. This resulted in a negative fund balance of \$15,450.59. This appropriation will transfer \$15,450.59 from the General Fund fund balance to the Old Crozet School Fund and will balance the fund.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$362,175.32 and approved Appropriations #2011093, #2011095, and #2011096:

COUNTY OF ALBEMARLE APPROPRIATION							APP #2011-093 DATE 10/05/2011 BATCH NAME
EXPLANATION: FY11 General Fund Over-expenditures							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1000	51000	351000	510100	9999	215,268.81	Fund Balance
4	1000	21010	421010	120000	1002	11,576.00	Circuit Court - OT backpay
4	1000	21010	421010	210000	1002	885.00	Circuit Court - FICA
4	1000	21010	421010	331100	1002	7,705.00	Circuit Court - equipment repair
4	1000	21010	421010	13000	1002	600.00	Circuit Court - PT
4	1000	32015	432010	120000	1003	35,900.00	Fire Rescue Overtime
4	1000	32050	432050	560600	1003	30,129.30	City Fire Contract
4	1000	33020	433020	700002	1003	107,583.22	Regional Jail
4	1000	39000	439000	561405	1003	3,713.17	Fire/Rescue Tax Credit
4	1000	39000	439000	563400	1003	17,177.12	Juvenile Detention Center
TOTAL						215,268.81	

							APP #2011-095 DATE 09/07/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on September 8, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318000	189900	6599	59,759.46	Miscellaneous Revenue
3	3104	63104	333000	330139	6599	28,834.68	Federal Revenue
3	3152	63152	324000	240500	6599	3,066.00	State Revenue
3	3219	63219	333000	384287	6599	39,795.78	Federal Revenue
4	2000	62301	461105	601300	6301	59,759.46	Ed/Rec Supplies
4	3104	63104	462320	800507	6504	28,834.68	School Buses-Extra Equipment
4	3152	63152	463333	132100	6599	2,845.00	Salaries-PT Teachers
4	3152	63152	463333	210000	6599	221.00	FICA
4	3219	63219	460000	111400	6113	10,394.82	Salaries-Other Management
4	3219	63219	460000	119400	6113	7,422.23	Salaries-Teacher
4	3219	63219	460000	119401	6113	94.37	Salaries-TA
4	3219	63219	460000	210000	6113	1,280.80	FICA
4	3219	63219	460000	221000	6113	1,156.07	VRS
4	3219	63219	460000	231000	6113	2,113.52	Health Insurance
4	3219	63219	460000	232000	6113	93.63	Dental Insurance
4	3219	63219	460000	241000	6113	33.96	VRS Group Life
4	3219	63219	460000	420100	6113	1,455.00	Field Trips
4	3219	63219	460000	580500	6113	1,865.52	Staff Development
4	3219	63219	460000	601300	6113	13,885.86	Ed/Rec Supplies
TOTAL						262,911.84	

							APP #2011-096 DATE 11/02/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: FY11 Old Crozet School Over-expenditure							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1000	51000	351000	510100	9999	15,450.59	Fund Balance
4	1000	93010	493010	939999	9999	15,450.59	Transfer to Old Crozet School
3	8610	51000	351000	512090	9999	15,450.59	Transfer in from General Fund
4	8610	91080	496010	510210	9999	12,254.12	Heating/Fuel Oil
4	8610	91080	496010	800949	9999	3,196.47	Maintenance Projects
TOTAL						61,802.36	

Item No. 8.4. 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 \$162,586.93. 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 three (3) FY 2012 appropriations as follows:

- One (1) appropriation (#2012034) totaling \$18,045.11 for various school programs;
- One (1) appropriation (#2012035) totaling \$91,974.00 for the replacement of various servers, modems and batteries at the Emergency Communications Center (ECC); and
- One (1) appropriation (#2012036) totaling \$52,567.82 for various Capital projects.

Staff recommends approval of the budget amendment in the amount of is \$162,586.93 and the approval of Appropriations #2012034, #2012035 and #2012036.

Appropriation #2012034	\$18,045.11
Revenue Source: Miscellaneous Local Revenue*	\$ 8,584.51
Grant Fund Balances	\$ 9,460.60

(* fees and donations)

This request is for School Division appropriations approved by the School Board on September 8, 2011. This appropriation request of \$18,045.11 is as follows:

- An appropriation in the amount of \$8,084.51 to reimburse the County School Division budget for athletic personnel expenses.
- An appropriation of \$500.00 in donations received by Albemarle High School (AHS) from the AHS Parent/Teacher/Student Organization. The donor requested that this contribution be used to help fund any instructional needs at AHS.
- Various Shannon Foundation Grants received by the School Division have unexpended fund balances from FY 10/11. This request is to reappropriate \$9,460.60 in these remaining grant balances to FY 12.

Appropriation #2012035		\$91,974.00
Revenue Source:	ECC Fund Balance	\$ 10,996.00
	ECC 800 MHz Fund Balance	\$ 80,978.00

The Emergency Communication Center's (ECC) Management Board approved the reappropriation of \$91,974.00 at its meeting on Thursday, October 20, 2011 and is requesting the County of Albemarle, acting as fiscal agent for the ECC, to make the following appropriations from ECC's available fund balances:

- \$10,996.00 for the emergency purchase of two replacement modems for the Computer Aided Dispatch (CAD) system. The ECC has been notified by its CAD vendor that the current modems, which are several years old, are obsolete and will no longer be covered by its maintenance contract until the modems are replaced.
- \$46,928.00 to replace two servers from the recording system and fund an increase of \$708.00 in the renewal of the annual maintenance contract. The ECC has been notified by its vendor that the current servers will no longer be covered under its current maintenance contract.
- \$34,050.00 for the replacement of back-up batteries for the microwave system at the ECC and tower sites. ECC recently had a malfunction with the batteries when they overheated and caused a system problem. The batteries are several years old and have been recommended for replacement by Motorola.

Appropriation #2012036		\$52,567.82
Revenue Source:	School Capital Fund Balance	\$ 144,304.03
	Gen Gov't Capital Fund Balance	\$ (111,736.21)
	Gen Gov't Capital Loan Proceeds	\$ 20,000.00

As staff works to close out the FY 11 Capital Improvement Program year, additional budget adjustments are requested for projects that were completed or will be expensed in the following fiscal year. This request is to appropriate a total of \$52,567.82 to the Capital Program as follows:

- Re-appropriate \$144,304.03 from the School Capital Fund Balance to support the FY 11 School Administrative Technology capital project, that was not complete by year-end in FY 11. This project is to upgrade the voice-over IP phone system at various schools. The upgrade is scheduled to begin in January 2012 and to be complete in March 2012.
- Re-appropriate \$54,792.13 from the General Government Capital Fund Balance for the purchase of Seminole Engine 82 and its associated equipment. The County and Seminole Trail VFD accepted delivery from the factory in FY 12 (September 2011) and the associated loose and portable equipment is currently being installed on the vehicle. The total balance available for this purchase in FY 11 was \$724,449.00. The Board has previously approved the re-appropriation of \$669,656.87 for this purpose. The \$54,792.13 is the remaining balance.
- Reduce the currently appropriated FY 12 General Government Fund Balance revenue account by \$146,528.34 and the associated budgeted expenditures for the following FY 12 projects by the same amount. This is to correctly reflect the FY 11 project balances that were available at FY 11 year end to move forward into FY 12:
 - (50,000.00) Master plan, Pantops
 - (34,695.13) Fire Dept Contingency
 - (8,494.08) Fire Dept Emergency Radio Notification System
 - (52,142.73) Access Albemarle
 - (1,196.40) Parks & Rec Maintenance
- Appropriate \$20,000.00 in General Government Loan Proceed Revenues and reduce the use of General Government Fund Balance Revenues by \$20,000.00 to reflect the correct amount of loan proceeds identified in the Board's Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing dated May 11, 2011.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$162,586.93 and approved Appropriations #2012034, #2012035 and #2012036:

APP #2012-034 DATE 11/02/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION
EXPLANATION: Appropriations from School Board meeting on September 8, 2011
ACCOUNT NUMBER

TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318000	189900	6599	8,084.51	Miscellaneous Revenue
3	2000	62000	318100	181109	6599	500.00	Donation
4	2000	62100	461740	160200	6302	7,510.00	Stipends-Non Instructional
4	2000	62100	461740	210000	6302	574.51	FICA
4	2000	62301	461101	601300	6301	500.00	Ed/Rec Supplies
3	3502	63502	315000	510100	6599	9,460.60	Fund Balance
4	3502	63502	460601	601300	6599	9,460.60	Ed/Rec Supplies
TOTAL						36,090.22	

APP #2012035
 DATE 11/02/2011
 BATCH NAME

**COUNTY OF ALBEMARLE
 APPROPRIATION**

EXPLANATION: ECC Appropriations

ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	4110	51000	351000	510100	9999	80,978.00	App fund Balance
4	4110					80,978.00	Transfer to fund 4100
3	4100	51000	351000	510100	9999	10,996.00	App fund Balance
3	4100					80,978.00	Transfer from 4110
4	4100	31041	435600	800700	1003	91,974.00	ADP Equipment
TOTAL						345,904.00	

APP #2012036
 DATE 11/02/2011
 BATCH NAME

**COUNTY OF ALBEMARLE
 APPROPRIATION**

EXPLANATION: Capital Funds FY 11 Balance-Related Adjustments

ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	9010	81110	481020	950560	1240	(50,000.00)	Master plan, Pantops
4	9010	32010	432010	999999	3140	(34,695.13)	Fire Dept Contingency
4	9010	32010	432010	800313	3140	(8,494.08)	Fire Dept Emerg Radio Notifi System
4	9010	12210	412200		1160	(52,142.73)	Access Albemarle
4	9010	71020	471020	800949	7100	(1,196.40)	Parks & Rec Maintenance
4	9010	32020	432020	810806	3140	54,792.13	VFD - Seminole Engine 82
3	9010	41000	341000	410500	9999	20,000.00	Loan Proceeds
3	9010	51000	351000	510100	9999	(111,736.21)	Approp Fund Balance
4	9000	69990	468200	800700	6599	144,304.03	Administrative Technology
3	9000	69000	351000	510100	6599	144,304.03	Approp Fund Balance
TOTAL						105,135.64	

Item No. 8.5. ACE Round 10 Approvals - Accept completed Rushia and Nash/Violette Appraisals; approve extending invitations to sell a conservation easements.

The executive summary states that On January 5, 2011, the Board of Supervisors approved the Acquisition of Conservation Easement (ACE) Committee's request to have the four remaining properties from the Round 10 (FY 2009-10) applicant pool (Thurman, Rives, Rushia, and Nash/Violette) appraised (see Attachment "A"). All higher-ranked easements were already being either acquired (Pugh/Stanerson) or withdrawn from consideration (Lively and Barksdale). Last spring, Thurman was acquired and Rives voluntarily withdrew his application, leaving only two eligible properties for consideration: Rushia and Nash/Violette.

Under *County Code* section A.1-111(A), "[T]he board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)."

The Rushia and Nash/Violette appraisals have been completed and were officially approved by the Appraisal Review Committee on October 4, 2011. The ACE Committee now recommends that the Board accept the completed Rushia and Nash/Violette appraisals and authorize invitations to both landowners to sell conservation easements for the amounts indicated in the approved appraisals. Based on the appraisals, the purchase price of the Rushia easement would be \$203,980 and the purchase price for the Nash/Violette easement would be \$58,800. With \$735,913.69 in the ACE budget, funds are

available to purchase both easements (see Attachment "B"). Acquisition of these two easements would protect the following resources:

- 127 acres of farm and forestland
- 1,384 feet of state road frontage, including 750 feet on I-64
- 1,800+ feet of riparian buffer on Stockton Creek
- 36 acres of "prime" farm and forestland
- 61 acres of protected mountaintop (Beaver Creek Mountain)
- 4,700+ feet of common boundary with 3 other properties under easement

Acquisition of these two easements would also provide the following benefits:

- Elimination of 12 development rights
- Both properties lie in the watershed of the South Fork of the Rivanna River Reservoir

Funding for the purchase of this conservation easement is available existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409).

Staff recommends that the Board:

- 1) Accept the completed Rushia and Nash/Violette appraisals (see Attachment "B"); and
- 2) Approve extending invitations to submit an offer to sell to Rushia and Nash/Violette based on the appraisals.

By the above-recorded vote, the Board accepted the completed Rushia and Nash/Violette appraisals; and approved extending invitations to submit an offer to sell to Rushia and Nash/Violette based on the appraisals.

Item No. 8.6. VDOT Revenue Sharing Program Application, FY 2012/13.

The executive summary states that The VDOT Revenue Sharing Program is a competitive funding program for transportation improvements which requires a dollar for dollar match from participating localities. Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. The County has participated in this Program since 1988. Last year, the County provided a \$1.5 million match and received the full award of \$1.5 million, which was applied to the Broomley Road Bridge replacement project.

The Board of Supervisors approved participating in the FY 13 Revenue Sharing Program at its meeting on October 10, 2011. The Board directed staff to make application for up to \$1.0 million in matching funds to implement the County Sidewalk Construction Program with the intent to construct new sidewalks in up to four locations:

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

To complete the County's application, The Board needs to adopt a resolution to participate in the Revenue Sharing Program. A draft resolution has been provided for approval (Attachment A).

The required local match will be up to \$1.0 million depending on the amount of revenue sharing funds awarded. Existing funding already appropriated to the Crozet Avenue North, State Farm Blvd. and South Pantops Drive projects can be used for part of the required local match. This funding plus the anticipated \$239,951 from de-allocated Revenue Sharing Program local matching funds, which will be refunded by VDOT to the County this fiscal year, provides approximately \$876,000 of the necessary match funding. The balance can be funded (approximately \$124,000) from the Transportation Improvement Program CIP Fund which has a current balance of \$655,170.

Staff recommends that the Board adopt the attached resolution to participate in VDOT's Revenue Sharing Program for FY 12/13, for up to \$1.0 million in VDOT Revenue Sharing Program funds to implement the County Sidewalk Construction Program by constructing sidewalks in up to four locations.

By the above-recorded vote, the Board adopted the following resolution to participate in VDOT's Revenue Sharing Program for FY 12/13, for up to \$1.0 million in VDOT Revenue Sharing Program funds to implement the County Sidewalk Construction Program by constructing sidewalks in up to four locations:

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

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

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

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

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

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

Item No. 8.7. Resolution to accept Olympia Drive and Town and Country Lane Connector into the State Secondary System of Highways.

By the above-recorded vote, and at the request of the County Engineer, the Board adopted the following resolution:

RESOLUTION

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

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

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

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

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

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

- 1) **Town and Country Lane (State Route 1776)** from Route 250 (Richmond Road) north to Route 1770 (Olympia Drive), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4061, page 466, with a 53-foot and variable right-of-way width, for a length of 0.08 miles.
- 2) **Town and Country Lane (State Route 1776)** from Route 1770 (Olympia Drive), 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 4061, page 466, with a 53-foot and variable right-of-way width, for a length of 0.01 miles.
- 3) **Olympia Drive (State Route 1770)** from the intersection of Route 1776 (Town and Country Lane), west of Route 1769, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4061, page 466, with a 45-foot and variable right-of-way width, for a length of 0.41 miles.

Total Mileage – 0.50

Item No. 8.8. Equal Rights Amendment (ERA) Resolution.

At the request of Mr. Snow, this item was pulled for discussion later in the meeting.

Item No. 8.9. Initiatives to Address Gang Activity in Albemarle County.

The executive summary states that over the past several months, Col. Steve Sellers, Albemarle County Chief of Police, along with other senior law enforcement officials, has reviewed gang activity in this region. This review led to the opportunity to have community dialogue and review of this issue with local media outlets, community organizations and elected officials. One outcome of these discussions has been to launch a more proactive approach to addressing gang issues in Albemarle County and this region. In addition, it has been recognized that a need exists to seek funding to support regionally based law enforcement initiatives related to stemming gang activity. One of the requirements for accessing federal grant funding is for a "governing body" to acknowledge publically that gangs are an issue in the community and need to be addressed.

At the present time, thirteen (13) identified gangs are present in the Charlottesville-Albemarle region with a total of 154 members. The City of Charlottesville and County of Albemarle work together to address regional gang issues through the Charlottesville-Albemarle Gang Enforcement Unit (CAGE). The unit is comprised of officers from both agencies and from the Jefferson Area Drug Enforcement (JADE) Taskforce who meet monthly with the Central Virginia Gang Investigators Association (CVGIA) comprised of all law enforcement partners in the region. During these meetings, gang trends, intelligence and criminal activity are reviewed and discussed. These meetings also include federal and state partners, local and federal prosecutors, corrections officials, probation/parole officials and some school resource officers. In April of this year, Col. Sellers and Chief Longo tasked CAGE with conducting periodic targeted operations related to criminal gang activity which have yielded positive results.

Gangs are a regional issue and do not follow jurisdictional or socio-economic boundaries. The best approach toward controlling gangs is through a community-based focus, with participation by government, law enforcement, faith communities, schools, non-profits and parents. The City and County Chiefs of Police, as well as neighboring chiefs and sheriffs, are committed to continuing to work together to address the issue; however, they do not have the capacity to dedicate resources specifically to focus on gangs within current staffing levels. Moreover, members of CAGE, as well as the designated Gang Team, have other fulltime responsibilities within their respective agencies. Accordingly, in order to devise a more full-time and comprehensive, regional approach to combating gangs, it is proposed that federal funding be pursued to provide full-time staffing for this cause. Adoption of the attached resolution by the Albemarle County Board of Supervisors is a required pre-requisite for filing such federal grant applications.

The County's participation in CAGE and CVGIA is achieved through the Albemarle County Police Department's annual operating budget. If federal funding is awarded, resources will be made available for a full-time grant funded position (100%) to address gang issues in the region.

It is recommended that the Board of Supervisors adopt the attached resolution supporting regional gang suppression efforts.

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

RESOLUTION

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

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

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

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

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

Item No. 8.10. FY 2012 1st Quarter Cash and Non-Cash Proffer Report and 2011 State Survey of Cash Proffers.

The following executive summary was received by the Board for information:

In 2007, the Board directed staff to provide a quarterly update on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers that benefit the County and mitigate impacts of development.

This report includes proffer activity (both cash and non-cash improvements) for the months of July through September 2011 (FY2012 1st quarter). This report also includes the County's annual report to the State for FY 2011 and historical cash proffer data from FY 2005-2011. The next quarterly proffer report will be on the Board's February 1, 2012 agenda

Cash Proffers July 2011-September 2011 (1st Quarter Fiscal Year 2012)

- A. Proffered:** There were no rezoning requests approved this quarter that provided new cash proffers.
- B. Total Obligated Cash Proffers:** Since no new rezonings were approved during the 1st quarter that increased obligated cash proffers, the total obligated cash proffers is \$40,502,008. This total reflects annual adjustments to anticipated proffer revenue not received yet from obligated proffers in which annual adjustments were proffered.
- C. Revenue:** The County received a total of \$54,582 from existing cash proffers during this quarter from the following developments:

<u>Development</u>	<u>Amount</u>	<u>Intended Purpose</u>
Glenmore Improvements	\$2,300	Schools or CIP and Transportation
Old Trail	\$9,000	Parks and Schools in Crozet
Wickham Pond	\$29,032	CIP Projects serving Crozet
Belvedere	\$14,250	Affordable Housing

- D. Total Interest Earnings:** Interest earned is provided in the attached table and reflects postings through August 31, 2011. (Attachment A) Total interest earned to date on all proffers is \$318,995.
- E. Expenditures:** There were no appropriations of proffer revenue during this quarter.
- F. Current Available Funds:** As of September 30, 2011, the available cash proffer fund balance is \$1,351,930. Some of these funds were proffered for specific projects while others may be used for general projects within the CIP. (See Attachment A)

Non Cash Proffers-Proffered

There were two rezonings approved by the Board during this quarter. ZMA 2010-03 Morey Creek Professional Center was approved to rezone 12.06 acres from PRD Planned Residential District to PD-MC Planned Development Mixed Commercial, to allow 100,000 square feet of general office space and a parking structure. This site is located on Fontaine Avenue. Proffered improvements include improvements at the Fontaine/Route 29 ramps, including lane improvements and traffic signals, a pedestrian path along Fontaine Avenue and other pedestrian/trail improvements. ZMA 2011-04 Albemarle Place (a.k.a. Stonefield) was approved to amend proffers regarding phasing of road improvements and required inter-parcel street connections.

2011 Survey of Cash Proffers Accepted by Local Governments for the Commission on Local Government

The state mandates that localities accepting cash proffers report to the Commission on Local Government (CLG) annually. The report for FY 2011 is attached (Attachment B). During Fiscal Year 2011, the County collected \$209,880 in cash proffers and expended \$186,265. There were no cash proffers pledged during this year, as there were no new rezonings approved involving cash proffers (See Attachment B). Expended cash proffers in 2011 were allocated primarily to affordable housing and stormwater management projects.

Since FY 2005, staff has tracked proffers pledged, collected and expended by fiscal year and by category of expenditure. Please see Attachment C for further comparisons over the past six fiscal years (FY 2004-2011).

Cash proffers are a valuable source of revenue that supplements the funding of important County projects that would otherwise be funded by general tax revenue. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue. With the elimination of positions in Community Development, a full time position is no longer devoted to proffers; instead, approximately one-half of a zoning planner's time is devoted to managing this program. While there have not been as many proffered rezonings approved recently, staff is still responsible for tracking existing proffers for previously approved rezonings, including Old Trail Village, Belvedere, and more recently, The Shoppes at Stonefield (Albemarle Place). Included with the CLG survey of cash proffers is an estimate of staff time spent on completing the survey each year.

This summary is provided for information on proffer activity and no action is required. Staff welcomes any comments for improvements from the Board that they may wish to see in the future.

Item No. 8.11. Summary of Grant Applications Submitted in September, 2011, ***was received for information.***

The executive summary states that pursuant to recent revisions to the County's Grants Policy and associated procedures, periodic information on the County's application for and use of grants are to be provided to the Board.

The attached information provides a brief description of two grant applications submitted by County departments in September 2011. It is not known at this time whether these grants will be awarded to the County; however, an appropriation request will be presented to the Board at a future meeting should funding be awarded.

The budget impact is noted in the summary of each grant.

– Assistance to Firefighter Grant

Applicant Department/Agency – Fire/Rescue
Local Program – Volunteer Firefighter Training Funds
Amount Requested - \$126,765
Local Match - \$31,691 reserved from Grants Matching Funds

Receipt of this grant will not require future commitment from the County for staffing. However, training needs will continue regardless of whether the grant is received or not and the County will need to determine how to fund future required training for firefighters.

VML Insurance Company

Applicant Department/Agency – Human Resources
Local Program – Safety
Amount Requested - \$2,000
No Local Match Required

Planned Use of Grant Funds

The money will be used for 2 things: 1. Purchase ergonomic equipment for various departments in an effort to prevent/address musculoskeletal disorders in the workplace. 2. Attend the annual Virginia Occupational Safety and Health conference hosted by the Virginia Department of Labor and Industry.

Receipt of funds will not require any future commitment from the County.

Agenda Item No. 9. Video Streaming Board of Supervisors' meetings.

Note: Due to time constraints, this item was postponed until the afternoon for discussion.

Agenda Item No. 10. Thomas Jefferson Planning District Commission (TJPDC) Legislative Program, David Blount.

Mr. David Blount, TJPDC Legislative Liaison, said that the draft regional legislative program for 2012 includes many carry-over priority items, with the exception of the item on devolution of the secondary road system and a few changes in the policies and concerns section. Mr. Blount said the priority statement on devolution contains the language the Board adopted in its legislative priorities over the summer with supporting text from the George Mason University report and a number of concerns and questions about the shift in responsibility, concluding with some suggestions about collaboration on the issue. He said it is a good position to put Albemarle in sync with what a lot of counties and VACo will be approving in their opposition.

He said that the perennial position on state and local revenues has a few changes, including a suggestion on contractual arrangements for provision of services to address the shift in funding responsibility for programs and services down to localities. Mr. Blount said the program includes the request made by all localities in the region this summer and fall concerning the across the board reductions implemented by the state in the budget over the last several years. In terms of VRS, he has included a statement for Board consideration that would give localities the option of requiring Plan I employees to pay the 5% member contribution, as up to now that had only been an option for employees hired after July 2010.

Mr. Blount stated that the main Chesapeake Bay TMDL position statement is the same, but there are new specifics regarding agricultural resource management plans and nutrient credit trading. He said that in the land use and growth management section there are a few additions, including provision of optional urban development areas and a Constitutional amendment related to eminent domain compensation – specifically “lost access” and “lost profits.” Mr. Blount added that the statement he included requires that the terms be defined prior to moving forward with the amendment. He also said that the County’s position on biosolids has been incorporated into their environmental quality position, which is in the ongoing concerns section.

Mr. Blount reported that the legislative forum this year would focus on the devolution topic, with speakers coming in from other localities to help engage with legislators to be held on Tuesday, November 29th, 6:00 p.m. He then asked for the Board’s approval of the legislative program.

Mr. Snow asked what the feeling among legislators is regarding devolution.

Ms. Mallek responded that many of them would be different in January.

Mr. Blount responded that from a budgetary standpoint, the realists and pragmatists will see the difficulties in making the shift from VDOT responsibility for maintenance and how it would actually be implemented.

Mr. Rooker said the last paragraph on the page from the legislative presentation says: "Before the administration recommends devolution to the secondary road system, any proposal must be based on a collaboratively developed plan..." He commented that this move, if it occurred, would impose a massive additional expense on localities. The State gets money from the federal government; localities do not get money from the federal government for roads. The State has a gas tax; they can raise or lower that gas tax depending on the revenues they seek to obtain for transportation; localities do not have that authority. He recommended taking out that statement because it puts legislators in a position that allow them to say "well, we set up a collaborative-based system." Mr. Rooker said he thinks the County's position should be, don't do this. He stated that it also would result in a balkanization of maintenance throughout the state of roads that would be untenable for a 21st Century state interested in economic development serving the needs of its citizens and its businesses.

Mr. Blount said he struggled with putting that paragraph in the statement, and Mr. Rooker's raises a very good point. He said that he thinks that the motion would certainly meet with the approval of other localities should the Board approve it, as they have also spoken out in opposition to this.

Ms. Mallek said she would second any motion in that regard, and said a vote on the program would be needed at this meeting.

She also said that the Virginia Employment Commission has been trying to withdraw its responsibilities to support the One-Stop in Culpeper and plans to do the same at other centers, even though the local facility has become quite successful. Ms. Mallek stated that there has been a real push-back from the Workforce Network and the Workforce Investment Board, and she would present something to the Board once it is drafted.

Mr. Rooker said that Board does a terrific job, and it's a great collaboration between the County, the state, local businesses, the Chamber, etc. It would be a tragedy to see this unified system that has been put together, that actually cuts down on administrative expense because it puts everybody under one roof; it would be a real detriment to our community. It is fortunate to have that central office located here in this community.

Ms. Mallek noted that the local center was the first in the state. Culpeper was presented with a fait accompli – in two months, they are out of here" – so now job-seekers must travel to different places on different days. It is such a disaster for people who do not have transportation nor a job. They are trying very hard to avoid that happening in other parts of the state.

Mr. Foley said that TJPED is also sending a letter to legislators in opposition to changes that would result in those kinds of changes.

Mr. Rooker commented that he doesn't understand the move, as it does not seem to save any money and it erodes the services provided.

Mr. Boyd asked who was behind the changes.

Ms. Mallek explained that there was an hour-long conference call with VEC the previous week and achieved a small measure of agreement on some small parts of the dilemma. VEC representatives are saying they apparently were handed a budget that they had to work within.

Mr. Rooker said the Governor supported the other side of this issue, but he may change his opinion as he hears more from local boards and citizens. Mr. Rooker also said that under education funding, the level of funding for year 2012 is expected to be over \$600 million less than the FY09 amounts for education funding. He is not sure how that will affect Albemarle locally, but he is sure it will.

Mr. Dorrier asked about the possibility of funding from the state and/or federal level for the TMDL legislation implementation.

Mr. Blount responded that it is difficult to say what will materialize there, but the Governor's budget proposals would be known by the end of December – and as the watershed implementation plan moves forward at the state level, there may be some dollars for some components of the plan.

Ms. Mallek stated that localities have been unified in saying to the state and DCR that if the work is expected there should be some revenue to make it happen.

Mr. Rooker clarified for the public that every year the state tries to move expenses down to localities – in education, transportation, under the Comprehensive Services Act, and now with the Chesapeake Bay TMDL program, which has been estimated by staff for implementation at a cost of about \$10 million per year or six cents on the County's tax rate. The County is continually battling with services that people expect to receive – or are being mandated in that case as federal and state mandates involve cleaning up the Chesapeake Bay, and the question is who pays for it. The state would certainly find it easier to move that cost down to the localities and not have to put it on their ledger.

Motion was then offered by Mr. Rooker to approve proposed Legislative Program with the one revision as noted. Ms. Mallek **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.

2012

Thomas Jefferson Planning District Legislative Program

Representing the Local Governments of:

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

October 2011

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

PRIORITY ITEMS

SECONDARY ROAD DEVOLUTION

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

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

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

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

We question if it is less costly for Virginia taxpayers to have local governments, which lack the capacity, to maintain secondary roads, and lose the economies of scale of having those functions performed by a single state agency that has had that responsibility nearly a century. What will be the costs to taxpayers of the inefficiencies of duplication arising from nearly 100 local transportation departments? While such a plan might buoy the state's transportation budget, it will only shift the burden of paying for these necessary transportation costs to homeowners' real estate tax bills, and the political liability for unpopular tax increases to local elected officials.

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

STATE/LOCAL FUNDING and REVENUES

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

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

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

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

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

We also request the following:

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

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

PUBLIC EDUCATION FUNDING

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

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

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

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

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

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

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

CHESAPEAKE BAY TMDL

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

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

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

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

Accordingly, we recommend and request the following:

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

TRANSPORTATION FUNDING

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

The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams to expand and maintain our transportation infrastructure. We

urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and to preserve urban street maintenance dollars.

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

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

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

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

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

LAND USE and GROWTH MANAGEMENT

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

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

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

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

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

We also take the following positions:

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

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

COMPREHENSIVE SERVICES ACT

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

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

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

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

Therefore, we support the following:

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

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

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

AREAS OF CONTINUING CONCERN

ECONOMIC and WORKFORCE DEVELOPMENT

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

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

ENVIRONMENTAL QUALITY

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

We believe the following:

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

HEALTH and HUMAN SERVICES

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

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

within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

HOUSING

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

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

PUBLIC SAFETY

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

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

LOCAL GOVERNMENT STRUCTURE and LAWS

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

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies. ~~and to simplify how notice of special meetings is provided to local governing body members.~~
- ~~We support the State authorizing localities to increase the income and financial worth limitations for real property tax exemption or deferral programs.~~

- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We oppose attempts to reduce sovereign immunity protections for localities.
- We support enactment of an interest rate cap of 36% on payday loans, fees and other related charges.

Agenda Item No. 11. Review of Solid Waste Service Options.

Note: Due to time constraints, this item was postponed until the afternoon for discussion. The Board then took up Agenda Items No. 20 and 21.

Agenda Item No. 20. Meadow Creek Parkway Resolution of Intent.

Mr. Boyd said being an elected official, one gets a lot of negative campaigning and items put against them. Normally he tries not to pay attention to them, but one thing said today bothers him a great deal. Directing a comment to Mr. Jeff Werner, he said how dare he accuse this Board of playing cheap political tricks when his organization, the PEC, has just sent out a mail piece to 15,000 residents that was nothing more than a cheap political trick.

Mr. Boyd said he put forth the resolution on the Meadow Creek Parkway because it's an item needed for discussion, adding that the timing was not dictated by the election – it was dictated on October 13, when VDOT certified this road as being ready for service and safety. Mr. Boyd said he would like to see minutes of any meetings where the Board and City Council made agreements and promises to not request this be moved forward. He stated that he had heard there was a traffic study being done, and if the purpose is to determine whether the road can or cannot be open, he does not think is pertinent information and he does not want to wait on that information. He believes the road should be opened. Mr. Boyd said he had heard anecdotal information from teachers at Charlottesville High School and heard from a lot of people that there were no accidents or safety issues when the road was opened for a short time last year. He does not think the County can afford to wait 18 months to two years, which is probably the time frame before the City would be ready to open their portion of this road. He stated that he is willing to change the resolution to wait for the updated traffic study on the timing of the lights and addition of a lane, which he has heard might take a few weeks, but is not willing to wait on whether the City says whether or not they can open the road. The road has been paid for and it cannot wait for two years to open.

Ms. Mallek mentioned a meeting between Delegate David Toscano, City planners and VDOT.

Mr. Boyd asked if there were minutes from that meeting.

Mr. Foley said he would provide a quick summary, and said there is a meeting scheduled for November 15 at which the results of an additional traffic count would be provided – and it was also intended to come to the meeting with some solutions on mitigating traffic impacts and figure out what needed to be done to address those concerns. Mr. Foley stated that would then go to City Council at their December meeting, although action at that time is not certain at this point. He said the commitment was to come with new traffic counts, possible solutions, and an effort to get it to Council by their meeting.

Mr. Boyd stated that if the information is going to be used for safety concerns, then it should be used for safety concerns – but if would be used as a bargaining point for City Council to meet and say they cannot open a County road, he thinks that is ridiculous. He added that that is unacceptable to him. He asked how often this happens with the County.

Ms. Mallek responded that before they bring up a lot of old misery, it should be stated that the May meeting was at VDOT's suggestion to address safety issues. She said the study was supposedly finished in June and was not given to the City or to the County until their meeting in October. VDOT completely dropped the ball on getting that information to them locally; that particular item was not the City's fault. She also said that VDOT suggested some improvements for eastbound Melbourne turning south on Park Street, such as an extra lane, to ensure there were fewer pileups that might create danger. Ms. Mallek stated that there was someone from the City working directly as a result of the meeting a few weeks ago, and there is another meeting scheduled for mid-November.

Mr. Foley said there was no discussion at the meeting as to how City Council would vote on this. He added that he thinks there are some issues in principle that they disagree with. He stated that the City Manager and one Council member in the meeting were not able to say they would act on this and do certain things, so there was no commitment then and City Council would have to discuss it.

Ms. Mallek said that covers the City's position, but that has no bearing on what the County decides to do after the information is brought forth.

Mr. Rooker commented that he has worked on the Meadow Creek Parkway for 15 years; he was a member of the original design advisory committee, the MPO Technical Committee that worked on the design and planning of the Parkway, the MPO for 10 years, and this Board as it has voted year after year to allocate Secondary Road funds to building the Meadow Creek Parkway. He emphasized that there is a lot of misinformation about this project, including the City delaying the project for 20 years and clarified that the contract was signed almost as soon as money was available. Mr. Rooker stated that the timing of this resolution is problematic – not what it says. He said that at the meeting Ms. Mallek attended, it was made clear that the County would not push for the opening until the information requested by the City was made available – and Mr. Jim Utterback has indicated it would be available in two weeks.

Mr. Rooker said he thinks the Board's words should mean something. They complain about their other partners breaking their commitments, but he does not think the Board should break its commitment, especially over a matter of two or three weeks. He encouraged the Board to wait for the information to come back and see what the recommendations are for mitigating any negative impacts, and have the resolution come back after the data is released. Mr. Rooker reiterated that he is a proponent of the Parkway, and he is concerned that they may end up with half a road.

Mr. Snow asked if he was suggesting that the County leave the road closed until the one stretch of road is completed.

Mr. Rooker responded that he is suggesting that they stick by their word, and mentioned meetings that he and Mr. Boyd had attended five or six years ago in which they said they understood the City wanted to wait for all segments to be open – but he and Mr. Boyd had said the County would be willing to wait no more than a year or 18 months. The power to do this is VDOT's, not the Boards. He stated that VDOT had held its own discussions with the City about the opening and sequencing of these projects. He does not think the County made a commitment beyond the discussion he had already mentioned. He added that not everything is due to the fault of the City; they got sued. Every [City] vote in recent years has been a 3-2 vote. When they got to where they could act and there was no injunction holding them up, they did act and signed a contract to build their segment of the road. He said that he does not want to give the opponents of the Meadow Creek Parkway an excuse to not go forward with building their project, which is really essential to making this whole thing worthwhile. Mr. Rooker added that it's worth it to have the resolution come back in early December, after traffic data and recommendations for improvements have been issued.

Mr. Snow said the City has the choice as to whether they would make improvements to roads, so the County would have no control over that whatsoever.

Ms. Mallek stated that is a separate decision from their point of view, adding that when the Board discussed this at its October meeting they addressed this very information and determined they would discuss this and have the final discussion on the resolution in December. That was the information she took into the meeting with Mr. Foley and the City.

Mr. Boyd said he had mentioned this resolution to Mr. Foley in August, and he didn't know about the meetings with Delegate Toscano. He said that he is really tired of always taking the position that the County has to take a back seat to what the City wants to do; this Board needs to represent the Albemarle County citizenry, and they want it opened. He stated that he doesn't want it to be done unsafely, and recommended passing the resolution pending the mitigation of any safety issues.

Mr. Snow stated that the County has no control over those safety issues.

Mr. Thomas said he has been involved with the Parkway since before it was opened temporarily, and have had numerous meetings with the Dunlora Subdivision residents and everyone on that corridor, since it is located in his district. He added that he wasn't invited to the meetings but received an apology and an invitation to the November 15 meeting. He said that he should have been invited to those meetings. He stated that he has received over 200 emails and 50 or more phone calls from his citizens in district wanting to open the road up. Although he would rather not, he said that he can wait two more weeks if there is going to be some sort of a guarantee that VDOT is going to have the traffic updates that is need for the November 15th meeting.

Mr. Rooker said that is why he had contacted Mr. Utterback, who told him the information would be ready in less than two weeks for that meeting. He suggested that the Board bring the resolution back, at which time it would likely get unanimous approval. He does not want the County to break its word. He does not want the Board to be in a mode where they provide an excuse and end up with a half a road rather than a whole road. He thinks that would be a tragic mistake for this community.

Mr. Thomas stated that they had a half-road when it was open and he used it, and traffic moved along well even though part of Rio Road was closed where the Parkway intersects. He reiterated that he drove it every day, and it was not bad.

Mr. Rooker said it is a very nice road, but from a travel standpoint it would save almost no time until the other parts of the road are open. He is not saying the County should not open its section of the road, but he thinks it is foolhardy to take positions that are contrary to positions expressed in recent meetings that might jeopardize the potential for getting the entire road.

Mr. Thomas stated that the residents of Dunlora have been greatly inconvenienced by this for quite some time, probably as much as two to three years.

Mr. Boyd said it is also residents in River Run and Stonehenge and other neighborhoods who cannot get into their driveways, and with the temporary opening they were finally able to get out of their driveways without having to dart out in front of traffic.

Ms. Mallek stated that everyone wants to have the road open, which is why Delegate Toscano had the meetings to begin with – at which time he emphasized how “ridiculous” it was to have \$30 million spent on a road that was just sitting. There is no backpedaling on getting it open. She wants to make sure that it gets open and not end up with some other detour because they are perceived as trying to stampede somebody. She emphasized that she and Mr. Foley in no way represented the Board as being in favor of postponing the opening.

Mr. Snow said he is willing to wait two weeks.

Mr. Dorrier agreed about waiting for the safety findings.

Mr. Boyd suggested passing the resolution pending the safety regulations, but said he didn't want to pass the resolution pending City Council approval.

Mr. Rooker said that was never the intention, and he was saying to wait for the November 15 meeting with information from that group. He emphasized that no one wants to delay the opening, but it should be done in a way that minimizes the potential for jeopardizing the entire road.

Mr. Boyd said he feared there may be further delays with this project. He thinks that when December rolls around, the City will have another excuse to delay it and have further issues.

Mr. Rooker said this hadn't been on an agenda before today and he is not sure what Mr. Boyd is talking about.

Mr. Boyd stated that he has wanted to put it on the agenda since August, but hesitated.

Mr. Rooker said the only time he had heard about it was at the last meeting, when issues were raised that Mr. Boyd agreed to wait on.

Mr. Boyd said he agreed to wait until this month.

Mr. Rooker stated that Mr. Utterback assured him the information on the safety issues would be available before November 15.

Mr. Dorrier said the Board should wait until November 15.

Mr. Boyd said he doesn't have a problem waiting one more month, but he would not wait more than one month and would put it up for a vote then. He is concerned about any safety issues that might come up; although he thinks all safety issues have been discussed and mitigated. He sees this as a stall tactic of the City's.

Ms. Mallek noted that the traffic counts done by VDOT were taken in the end of June when school was not in session, and they pertain to safety measures needed at the two intersections which is the only thing they have been talking about in the meetings. She said that Mr. Tolbert, of the City, stated they would prefer to put their traffic counters out quickly, which they did – within seven days – to capture the impact of the high school session and the University. Ms. Mallek said she was very upset that it took VDOT so long.

Mr. Boyd said that he had heard it was just decided at Delegate Toscano's meeting that VDOT's traffic counts were inadequate.

Ms. Mallek responded that the figures sat up in Culpeper for four months, and were only provided locally the day before the meeting.

Mr. Rooker stated that there has been no greater proponent for finishing that product than Delegate Toscano, and this is simply requesting that the information come back.

Mr. Dorrier suggested putting it on the agenda for the first Board meeting in December.

Mr. Boyd said that is agreeable to him; he will acquiesce on this particular resolution because he does think it's important that they have good information about safety issues. They have to do that, but he added that he absolutely will not wait for any feedback from the City Council; it's not their decision, it's a County decision.

Mr. Foley stated that they would provide a full staff report since this is now a resolution of the Board, and would make sure there is a full record of the meetings and all the information shared.

Mr. Boyd said it would be good to see the minutes of the meetings and make them public. Mr. Foley said staff would try to create a record as there were no official minutes taken.

Mr. Foley asked if a motion to defer action to December would be appropriate, as it had been scheduled for action.

Mr. Davis said that the consensus reached would suffice.

Agenda Item No. 21. Route 29 Western Bypass Resolution from the Jack Jouett Bypass Design Committee.

Mr. Rooker reported that the Committee, which represents U.Va., the Colonnades, St. Anne's Belfield, Canterbury Hills, Colthurst, Montvue, Lambs Road neighborhoods, Roslyn Heights, Roslyn Ridge, Albemarle County Schools and the Greer PTO, and the biking and pedestrian communities, has met three times – each time with Project Manager, Mr. Hal Jones and Chief Engineer from VDOT Culpeper office, Mr. John Giametti. Mr. Rooker said that the Committee came to unanimous agreement on the recommendations addressing issues such as design speed, which had already been agreed upon by the Board, no stoplights, and no U-turns on the bypass.

Mr. Thomas asked for clarification of design speed.

Mr. Rooker replied that the Board had already endorsed a design speed of 50 mph, which was a unanimous vote taken a few weeks ago.

Mr. Boyd said he does not remember that, and asked Ms. Jordan to check the record on that vote.

Mr. Rooker stated that the Board unanimously approved a recommendation for a design speed of 50 mph.

Ms. Mallek added that she asked for a design speed of 45 mph and that was voted down.

Mr. Snow commented that 50 mph design speed is a 45 mph.

Mr. Rooker said VDOT originally talked about a 60 mph design speed.

Mr. Boyd asked if that design speed was not narrowed down to the interchanges. Mr. Rooker responded "no". Mr. Boyd reiterated that he does not remember it.

Mr. Rooker continued by saying that the recommendations include a \$5 million allowance for noise reduction techniques, which was recommended by the project manager – who said if the County wanted assurance for these items they needed to include a budget for them because in a design-build contract, there is no incentive to add anything that is not in the existing RFP. Mr. Rooker stated that this would also put every bidder on a level playing field.

Regarding construction noise, Mr. Rooker said that there were recommendations for lower levels than what ended up in the resolution, and the County limits pursuant to the statutes are 60 decibels – with 80 decibels being about 20 times as high. He stated that the Committee requested a construction noise limit of 80, not to exceed 70 for more than 15 consecutive minutes per hour. He stated that the RFP had allowed for 24-hour construction, and with four or five years of it that's "an impermissible burden to expect people to bear." Mr. Rooker said they tried to incorporate some of the same measures related to blasting as had been discussed for Rockydale Quarries. He stated that the current grade for Stillhouse Mountain is 4.5%, and if they could keep it to that for places that have less intense hills, it should work, and the project manager did not disagree.

Mr. Thomas asked if that would lessen the cut in Stillhouse Mountain. Mr. Rooker clarified that it would increase cuts in the mountains, which actually allows neighborhoods to be more protected by the surrounding hill that's left because the road is lower.

He said the committee had a landscape architect, Mr. Will Rieley, who designed the Monticello Parkway and Meadow Creek Parkway for the City as well as serving on the Planning Commission for several years, and he said the budget included was adequate for landscaping the 6.2-mile road. Mr. Rooker stated that the resolution includes a provision that states "where lighting is necessary, use shielded lighting on roads and bridges," and "use on-road lighting instead of elevated lighting where possible." He said that they included a specific budget for bridge aesthetics at the recommendation of the project manager and Mr. Giametti to ensure that the bridges "fit in and look good;" the Committee had originally come in with a lower recommendation – but those officials recommended about \$500,000 per bridge aesthetic to achieve anything. Mr. Rooker stated that bridge capacities of course must ensure that emergency vehicles could continue to service schools and neighborhoods.

Regarding public input, Mr. Rooker said the Committee requested multiple opportunities for input – as well as an opportunity for public input on the conceptual drawings between the RFP award and the final design. He stated that a design builder would submit plans with his bid, and if he gets approved some of those conceptual drawings would go to final drawings – so in order for there to be meaningful input it would need to take place in between those changes, otherwise significant costs would be incurred in having to redo the engineering plans.

Ms. Mallek said that in considering the timetable, Mr. Utterback had said VDOT expected the environmental review to be finished in April or May – and there was supposed to be a VDOT-operated public input meeting regarding environmental impact and mitigation.

Mr. Rooker said this should capture both things, although they may not have finished the entire environmental review.

Ms. Mallek asked how the developer would know how to do the design if the environmental study is not there, and said that has been her concern all along.

Mr. Dorrier asked if these items would be considered by the MPO.

Mr. Rooker responded that the Committee made the recommendations and sent them to VDOT, and now is asking the Board to endorse them and send them in the form of a resolution. These are not going to go before the MPO. This is Albemarle County and he does not think the MPO is meeting before the RFP amendment by VDOT goes out.

Mr. Thomas stated that the next MPO meeting is November 16.

Mr. Boyd said there was nothing in the Committee's recommendations that he disagreed with, and complimented Mr. Rooker and the group for doing a great job in ensuring it that the bypass becomes a great road and that it not be too intrusive during the building process. He said that he thinks this is something that the Board ought to move forward with, and he is just glad to see that they are going to make this the best possible bypass that they can.

Mr. Thomas agreed, and said he would rather have the speed limit at 60.

Mr. Snow said he had read the recommendations four times and found nothing he disagreed with.

Mr. Rooker stated that VDOT had indicated they could perhaps get lower bids if the design speed is not as high.

Mr. Dorrier said the only thing he disagreed with was having this Board telling VDOT where the stoplights go.

Mr. Rooker said the Board did that for the resolution regarding the northern interchange, and it is essentially the same thing here. He stated that VDOT presented about five conceptual designs to the Committee on ways to address the southern interchange, and they came back and said they don't work very well for a variety of reasons – including a stoplight on the Route 250 Bypass. Mr. Rooker said the most likely alternative to the original – which had the three-level flyovers – is called a "diverging diamond" interchange, which has a smaller footprint but has stoplights at the tops of some ramps. He noted that there is one at Zion's Crossroads and in several other places around the country that seem to be working very well. Mr. Rooker said there is some tension between impacted communities regarding the road placement, and the University and University Village met separately and came back with what was essentially the 1998 design with the bypass moved a little bit south. He explained that under that scenario, the ramp would end up where the existing Route 250 is, so Canterbury Hills would end up about the same distance from the ramp as they currently are from the Route 250 Bypass.

Mr. Rooker also mentioned that the University would be providing additional input, noting that there are pedestrian crossovers on Leonard Sandridge Road and the current bypass RFP calls for a four-lane road – which they are not particularly happy about. They are concerned that a lot of traffic arriving at Massie Road, which today is a very quiet road except when they have events going on, and how that traffic is going to be handled. Mr. Rooker said the business school is there, the law school, ballfields and lots of pedestrian traffic.

Ms. Mallek said there is nowhere for people to go at speed to exit Leonard Sandridge Drive, so everything is just going to stack up on the bypass if that's four lanes all the way down there. They are just going to sit.

Mr. Rooker stated that the effect of it would be to move some of the traffic currently on Emmett Street up to Massie Road, because people coming from Greene County would be able to get off there.

Mr. Dorrier asked where the southern terminus would be located.

Mr. Rooker explained that it is located at Leonard Sandridge Drive – the North Grounds Connector – and would sit over top of where Route 250 is now.

Mr. Boyd said it would also change that area into a right and left turn area, as it is only a right turn right now.

Mr. Rooker stated that the University is running its own traffic numbers now to ensure what is being proposed is workable for them.

Mr. Snow commented that the work both Mr. Rooker and Mr. Boyd's committees have done would result in a much better bypass.

Ms. Mallek said she is glad all the details are being written down.

Motion was then offered by Mr. Rooker for adoption of the proposed resolution and asked that the County Executive send it to the appropriate VDOT officials to make certain it goes to the people necessary for recommendations to go into the RFP amendment, and the Commonwealth Transportation Board also. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION

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

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

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

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

WHEREAS, those recommendations are outlined as follows:

- 1) Design Speed – The design speed will be 50 MPH.
- 2) Stoplights – No stoplights or u-turns on 250 Bypass at southern terminus interchange.
- 3) Traffic Noise – Include in RFP \$5 million separate allowance for noise reduction measures above minimum FHWA and VDOT standards. All neighborhoods and schools shall be protected from sound either by berms or sound barrier walls. Use berms and plantings, road depression and sound barrier walls to mitigate traffic noise. Where the bypass roadway is not sufficiently suppressed to provide adequate sound mitigation, bridges shall have lightweight sound absorbing barriers on both sides to reduce noise pollution projecting into schools and neighborhoods. Reduced noise pavement material shall be used for the length of the bypass.
- 4) Construction Noise – Construction noise shall be limited to 80 db and shall not exceed 70 db for more than 15 minutes in any hour as measured at the closest property lines. There shall be multiple sound level meters at nearby property lines during construction and VDOT will monitor sound on a continual basis.
- 5) Construction Times – No 24 hour construction. Limits on duration and time (7:00 a.m. – 7:00 p.m.) that construction can occur. No construction on Sundays and holidays.
- 6) Blasting – No crushing or grinding of rock on site. Contractor shall notify adjacent neighborhoods 24 hours in advance of blasting activities, specifying date and time of blasts. Best available techniques will be used to minimize blasting noise and impacts. Using noise meters, the contractor shall monitor noise and percussion impacts of blasting activities on neighborhoods and schools within 1500 feet from blast site.
- 7) Grades – No part of the bypass shall exceed 4 ½% maximum grade, excluding ramps.
- 8) Landscaping – Include in RFP \$1.2 million allowance specifically for landscaping. Use mixed broadleaf and evergreen plantings that will grow quickly. Large earth berms planted with trees and shrubs along the roadway shall be included to protect the Colonnades and all other impacted neighborhoods and schools from light, noise and visual impacts from the bypass.
- 9) Lighting – Where lighting is necessary, use shielded lighting on roads or bridges. Use on-road lighting instead of elevated lighting.
- 10) Bridge Aesthetics – Include in RFP \$6 million allowance specifically for bridge aesthetics. It is highly recommended that the Maryland Department of Transportation Guidelines for Bridge Aesthetics be followed.
- 11) Bridge Capacities – All temporary and permanent bridges over the bypass will be sufficient to give access to fully loaded fire trucks and emergency vehicles.
- 12) Public Input – VDOT and the contractor shall provide for multiple public input opportunities and public meetings (not just committee meetings). Between the time of the RFP award and final design, the contractor shall provide an opportunity for public input on the preliminary/conceptual drawings for the project including the contractor's proposals for noise abatement measures, lighting, landscaping and bridge aesthetics.
- 13) Southern Interchange – Consistent with maintaining a level of service of at least C for the design year 2036, the southern interchange and the relocation of the Rt. 250 Bypass will be designed to minimize impacts on the Canterbury Hills neighborhood, the St. Anne's Belfield School campus, the Colonnades senior living facilities, the Darden School, the UVA Law School and Leonard Sandridge Road. Specifically, we prefer the diverging diamond interchange design to the previous 1999 design** that included a flyover ramp for northbound traffic from US250E Bypass to the US29N Bypass. Further, we recommend that (1) the US250E Bypass be relocated no farther north than the location shown in the 1999 design**, (2) both the north and south bound lanes of the main road of the new US29 Bypass (north of the Southern Interchange) be located as shown on the 1999 drawings** and (3) the south-bound ramp from the US29

Bypass to US250W Bypass be located as close as possible to the main lanes of the US29 Bypass. All roads and ramps north of the Southern Interchange should be located in one cut through the hill between St. Anne's-Belfield and the Canterbury Hills Neighborhood. **** VDOT Route 29 Bypass, Design Plan, 6029-002-F22 PE101, ROVA-002-101 PE 101, Albemarle County, dated 8/31/1999.**

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

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

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

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

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

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

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

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

22) Minimize Construction Time and Impacts – Best efforts shall be made to minimize impacts and inconveniences to neighborhoods and schools. During the construction process, areas of construction will be closed as quickly as possible to avoid long drawn out periods of construction impacts on neighborhoods and schools.

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

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

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

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

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

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

Mr. Rooker thanked Committee members for attending the meeting and for speaking earlier.

NonAgenda. The Board recessed at 11:24 a.m. and reconvened at 11:35 a.m.

Agenda Item No. 13. **Public Hearing: ZTA-2010-00005 Signs** – Amend Secs. 4.15.1, Purpose and intent, 4.15.2, Definitions, 4.15.4, Signs authorized by sign permit, 4.15.6, Signs exempt from the sign permit requirement, 4.15.7, Prohibited signs and sign characteristics, 4.15.8, Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts, 4.15.9, Regulations applicable in the R-4 and R-6 zoning districts, 4.15.11, Regulations applicable in the PUD, DCD and NMD zoning districts, 4.15.12, Regulations applicable in the C-1 and CO zoning districts, 4.15.13, Regulations applicable in the HC, PD-SC and PD-MC zoning districts, 4.15.14, Regulations applicable in the HI, LI and PD-IP zoning districts, 4.15.15, Regulations applicable in the entrance corridor overlay district, 30.6.4, Certificates of appropriateness, and 30.6.5, Development exempt from requirement to obtain certificate of appropriateness, and add Sec. 4.15.4A, Signs authorized by temporary sign permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the stated purpose and intent of the sign regulations (4.15.1), add and amend definitions (4.15.2), amend the procedures for obtaining sign permits and permits for temporary signs (4.15.4, 4.15.4A), increase the number of permits for temporary signs allowed in a calendar year from 4 to 6 and allow the 60 day period to be aggregated among the several permits (4.15.4A), amend the scope of home occupation and window signs that are exempt from the sign permit requirement (4.15.6), increase the area of a window or door covered by signs from 25% to 50% before they are considered prohibited signs that obstruct vision (4.15.7), amend the sign regulations applicable to the several zoning districts by increasing the maximum size of freestanding signs from 24 to 32 sq. ft. and allow bonus panel signs in some districts, reducing the minimum sign setback for directory and temporary signs in certain districts from 10 to 5 feet, amending the maximum height of temporary and wall signs in some districts, standardizing the method for calculating the permitted area of a wall sign (1.5 sq. ft. per linear foot of structure frontage), allowing sandwich board signs in the commercial and planned industrial zoning districts, and having the Highway Commercial district be subject to the sign regulations in section 4.15.12 rather than section 4.15.13 (4.15.8, 4.15.9, 4.15.11 through 4.15.14), eliminate the requirement of a certificate of appropriateness for a window sign or a sign visible through a window (4.15.15), add standards for bonus panel signs and sandwich board signs (4.15.16), allow all signs, rather than just walls signs, to be eligible for a countywide certificate of appropriateness (30.6.4), and amend the class of signs exempt from the requirement for a certificate of appropriateness (30.6.5).

(Advertised in the Daily Progress on October 17 and October 24, 2012.)

Mr. Ron Higgins, Chief of Zoning, addressed the Board, stating that this is the second public hearing this fall on the proposed sign ordinance; the Planning Commission held its' public hearing earlier. He explained that about two years ago staff was working on a number of housekeeping items and was also looking at neighborhood model districts, realizing there was a bit of a disconnect between some of the things allowed in conventional districts, things allowed for codes of development and development plans coming forth for planned developments. Mr. Higgins said there was some confusion among people who applied for signs, so staff was trying to apply some simplicity and consistency in the process. He stated that staff had gone to the ARB to discuss some entrance corridor issues, such as shopping centers or large planned developments having special permits for offsite signs and the notion of having freestanding signs followed with a number of freestanding tenant signs – so staff came up with a concept for how to eliminate the potential tenant freestanding sign and reinvent them as a bonus tenant panel to put on one sign. Mr. Higgins said the Board adopted their action agenda, which made staff look at the entire sign issue and embark on a process involving three different roundtables – including one focused on the business community and sign makers, and another list that included everyone who had entered the system looking for information about signs. The people interested in signs are typically the people who use them, and people who make them. He also said there were people who came to the roundtable out of interest in the aesthetic quality, which was one of the guiding principles in all of the sign comments received.

Mr. Higgins stated that they also met with individuals to try to identify issues, which ended up focusing mostly to process. He recognized Mr. Stewart Wright, who touches every sign permit application that comes into the County of Albemarle. Mr. Wright was looking at the time it takes to get through various comment periods – whether ARB entrance corridor sign or conventional district sign that required a permit. Mr. Higgins said that in the three roundtables since process came up, some of the standards were vetted with people at each of the roundtables – and after that they went back to the Commission and the ARB with work sessions and got some guidance from them. He stated that those bodies focused on simplification of the process, noting that a simpler approach would be better for all involved. Regarding window signs, Mr. Higgins said the ARB's issue is what affect it has on a window – so their question was when windows cease to become "windows," and they were interested in a reasonable percentage to establish a window functioning as a window. Mr. Higgins stated that they arrived at 50% as an easy to comprehend and easy to enforce standard, which would allow the window to function as a window. He said that after the work sessions, the last roundtable was after the ordinances had been drafted in their first iteration and they had been sent out to people who had come to earlier roundtables, and most of that ended up focusing on fine tuning and clarifications.

Mr. Higgins reported that after the process got restarted in a broader way with the Board's action plan, they made it clear they wanted to maintain the aesthetic quality of the community – and the same held true in their resolution. He said when staff heard a lot of the process discussions they began looking at the applications themselves, the supplemental material and what is done to help applicants get through the process. Mr. Higgins said that there was more coaching and a lot more hands-on work with applicants from staff to make sure they submitted the best application possible. He stated that the Planning Commission was very interested in the outcome of the work session, and it was determined that the average time it took to get a conventional sign or an ARB sign was the same – reduced by about 70%. It

was just a matter of clarifying, helping people understand. Oftentimes people don't respond to a request because they don't know what to respond with, and so staff was trying to coach them more.

Mr. Higgins said after that staff began to focus on the ordinances themselves. He then showed two examples of the item in the ordinance that received the most attention in terms of standards. Mr. Higgins presented an image of tenant panels on a shopping center sign: the sign at Rio Hill, which is about twice as tall and about twice as big as what would be allowed today; and the Seminole Square sign, which is about 24 feet tall – or twice as high as what would be allowed today. He stated that the proposed ordinance allows consolidated signs to have a little more height – 16 feet – than what is permitted today. Regarding the offsite sign for the Kohl's, Mr. Higgins said that the panel below "Kohl's" with the six sections on it would need to be refigured to four – as there are up to four allowed. He stated that the main sign is all within the 32 square feet, with Hollymead Town Center and Kohl's being part of that.

Ms. Mallek said Hollymead Town Center should be the sign, with the tenants being Kohl's and the other tenants. Mr. Rooker said that the original sign was put up for Kohl's, but it is not Kohl's shopping center.

Mr. Higgins stated that the sign was measured to include Kohl's and Hollymead. He clarified that the Hollymead Town Center could technically have an entrance sign up at Timberwood, as signs are allowed at the main shopping center entrance roads.

Mr. Rooker asked what would happen if it was Kohl's sign and they got BZA approval to get an offsite sign, what would prevent every other tenant from coming into the BZA and saying they would like offsite signs on Route 29.

Mr. Higgins explained that staff is eliminating the offsite sign description for planned developments, and is trying to encourage the entire shopping center and planned development to be treated as a site. He said that the BZA was starting to get offsite sign applications, most of which were for planned developments such as Mill Creek Industrial Park on Avon Street.

Mr. Wright clarified that the sign ordinance states that it is one sign per street frontage or two per entrance, plus one additional 32 square foot sign if the lot is over four acres and has more than one approved entrance. He stated that the original proposed sign for Kohl's was 32 square feet for an offsite sign, but if they had wanted two signs the square footage would need to be split to yield 16 each. Mr. Wright also explained that offsite signs receiving a special use permit don't provide additional signage, and that square footage is deducted from the signage already available for that parcel – so offsite signs do not create additional signage.

Mr. Thomas asked if parcels such as A, B, C and D would be considered separate sites.

Mr. Higgins responded that there are more parcels than that in Hollymead.

Mr. Wright said when the applicant in this case applied for a 32-square foot sign, the sign ordinance allowed them up to four additional anchor signs – so because of the square footage of the shopping center - this particular sign could have 56 square feet of sign area but it could go up to 64.

Mr. Rooker said that in reading the minutes, there were few complaints about standards but there were issues with process, and everyone agrees that there should be standards that don't tie applicants up in red tape. He also stated that this ordinance proposal seems to grant more signs and higher signs, with window signs being doubled and no ARB approval needed. Mr. Rooker said there is 50% coverage of windows as he reads it. Mr. Higgins responded that this is not correct; it is per window.

Mr. Rooker said that he didn't see anything here that would preclude someone from having a 60-foot sign that basically looks like a billboard.

Mr. Higgins said he would address that as he goes through his presentation.

Mr. Higgins stated that raising the height on a wall would only be for buildings that are taller than 30 feet and there are differences in wall sign square footage allowed per linear foot of wall. He said that in some districts there is 1.5 square feet allowed, and in some there is 1.0 allowed, and for simplicity and clarity they were looking to the standard already in the ordinance. Mr. Higgins showed an example of each of those situations – located at the corner of Rio Road and Route 29. The first building happened to be zoned in a district that allows one square foot per linear foot, but the building directly across the street allows 1.5 square feet per linear square foot, although the design of both of the buildings went through the ARB process. There was not a great deal of architectural difference in the sign addition on the right which is technically 50% more square footage and is the current standards, so staff opted to simplify it by selecting the current standard to be the consistent standard for wall signs in commercial districts.

Ms. Mallek said the picture on the right was four or five different shops as opposed to one large one. Mr. Higgins stated there are multiple shops in one building, with four businesses in one example and three businesses in the other.

Mr. Rooker asked why staff could not just deal with visibility issues through a variance rather than saying "every building can have a sign up to its roof," with an applicant coming in and making a case for sign visibility through objective criteria. He is concerned that they are taking a steamroller to kill an ant. He asked how many times this situation arises.

Mr. Higgins replied that in the interest of clarity and simplicity, a variance procedure should not be added for a sign.

Mr. Rooker said that it could be administrative.

Mr. Higgins said that the other concern is that the ARB was experiencing problems with this, and it was brought to staff as an issue when that Board was looking at taller buildings – such as the Virginia National Bank at Pantops. Architecturally, it seems to work. He said there would be concern for a variance, because the applicant would have to prove a hardship and a sign would not qualify. A regular sign located appropriately on a building is not a hardship.

Mr. Rooker said that VNB would be better served by a sign placed more in the viewshed as people are driving along, rather than looking up to the corners of the building to see their sign. It is a safety issue when people have to look all over the place for a sign. He stated that the places he has visited that have great sign ordinances, do a lot of commerce and more retail sales have signs that are much more uniform – with a lot less visual clutter and easier visibility for people.

Mr. Higgins stated that he wanted to take the chart and focus on the chart, because those are the changes staff is proposing. He said that in planned developments and shopping centers, staff is proposing to define the site as the entire planned development or shopping center as originally approved. Mr. Higgins said in that case a special use permit would not be required for an offsite sign because it wouldn't be considered offsite. He explained that for a shopping center freestanding sign, there are currently two sets of standards – 32 square feet and 24 max – and those would still remain, but in shopping centers, commercial districts and planned developments there would be the option of going up to 64, with four- eight square foot tenant panel signs but no potential of having additional tenant panel signs elsewhere. Mr. Higgins said with anchor signs, four are now allowed for shopping centers over 100,000 square feet, but that has been reduced to 50,000 square feet now and only bonus tenant panels are allowed now – not free standing. He stated that setbacks are 10 feet and five feet depending on the location in the County, and what staff found is what mostly dictates visibility is having the sign as close as safely possible to the street – which is dictated more by utility easement than anything else. Mr. Higgins said that after hearing from people, five would work the best, and traditionally planned commercial developments and planned developments have picked different setbacks for their signs. He stated that staff is recommending 1.5 square feet per linear foot maximum for wall signs, where now there are two different standards, and that it go from a 30-foot maximum. Mr. Higgins said that the ARB drafted the cornice line as they would see it so that staff could use that in the ordinance to dictate where the signs go.

Mr. Higgins said that with temporary signs there is a 15-day maximum up to four times a year, and staff gets questions from people getting signs made for this purpose. He stated that staff recommends changing it to six times a year, but with only 60 days maximum. This does not change the amount of time that a temporary sign can be up for any given time or the amount of aggregate time a temporary sign can be up in a calendar year.

Mr. Rooker asked for a reminder on numbers and sizes of temporary signs.

Mr. Wright said that the ordinance now provides for four per year, and either a 24 or 32-square foot maximum depending on the zoning district.

Mr. Higgins confirmed there is no proposal to change that in the new ordinance.

Mr. Rooker said what happen is a person will put up a temporary sign and leaves it up for years. As a practical matter, the people who want to get by with it know you can put up a temporary sign and keep it up pretty much forever, and it goes on all the time.

Mr. Higgins stated that the County does get complaints and does pursue them, and does have them remove the signs.

Mr. Boyd asked if Mr. Rooker was suggesting hiring “sign police” and send them out.

Mr. Rooker replied that if you have an ordinance that allows things that are impossible to enforce, you are basically just approving additional signs.

Ms. Mallek said the County needs to admit that. She added that she does not understand why a habitual offender would be allowed to erect another sign, as it seems someone forfeits their right if they don't comply with the rules.

Mr. Higgins said that staff would try to count the days it has been up, and if they were able to determine that, the person would not get any more temporary signage that year.

Mr. Rooker said he always sees signs in the sidewalks along Rio Road and the Route 29 corridor.

Mr. Higgins stated that signs are not allow in the right of way at all, but that is VDOT's purview. He added that the County has an agreement with VDOT that allows code enforcement staff and building inspectors to pick them up, which has worked successfully out in Crozet. Mr. Higgins said if someone continues to violate the ordinance, the County takes them to court and may get to the point of injunction. He also said there are people who dump signs out on Friday nights and hire people to put them out, then pick them up on Sunday morning. Mr. Higgins noted that County staff received many complaints on that, so the County pulled the trigger on the notice of violation.

Regarding window signs, Mr. Higgins said the proposed change is removing any review for window signs – with any sign covering more than 50% of the window being prohibited.

Ms. Mallek asked why not stay with the current 25% and take away the ARB review. Mr. Higgins responded that that's also an option.

Mr. Boyd said that 50% is what was reached as a compromise because developers wanted more than that.

Ms. Mallek said some may have wanted that, but that doesn't mean it's reasonable.

Mr. Higgins said the ARB felt it should be easy to tell when a window is no longer just a window, and 50% was chosen for that reason.

Mr. Rooker said the primary issue when this started was the process. That could be cured by eliminating ARB review and leaving the square footage where it is. He asked if the standards mentioned are in existence.

Mr. Higgins said the ARB has design standards for signs in the corridors, and those standards are applied to the window signs.

Mr. Rooker said his understanding of eliminating certificates of appropriateness was that it would be based upon the idea there would be objective standards that would still provide for a high aesthetic.

Mr. Higgins stated that the biggest concern was the window itself and what the level of transparency would be, and the ARB was less concerned about the design than it was about its effect on the window. He reiterated that the ARB said to simplify.

Mr. Snow said this pertains more to signs that are put up in windows, as opposed to the windows themselves. It happens all up and down Route 29.

Mr. Higgins said that is correct; some remain the entire time the store is in business and some are temporary.

Ms. Mallek said this would block windows up to 50%.

Mr. Higgins stated that they could also be transparent.

Ms. Mallek said that seems to be complete overkill, in addition to the wall sign and the sign out on the street.

Mr. Wright pointed out that the ordinance currently states that for businesses on the Entrance Corridor, the maximum allowable square footage for a window sign is nine square feet per establishment and requires a certificate of appropriateness from the ARB. He also said it is difficult to deal with temporary signs, and the number of window signs that exist on businesses on the Entrance Corridor is also difficult to enforce in size and if it has its certificate of appropriateness.

Mr. Rooker said that under the current ordinance, someone with a 200-square foot window and a big plate glass window could have a nine square foot sign that would be approved by the ARB – but under the new ordinance they could have a 100-square foot sign subject to no approval process.

Mr. Wright stated that driving up Route 29 you can certainly see that businesses are not going to the ARB and requesting certificates of appropriateness for a nine-foot sign.

Ms. Mallek asked why the County is making it easier for them to do what they want.

Mr. Higgins said the 50% rule could get abused, as Mr. Rooker said, so what's in place now is a percentage rule and a cap on the size of the sign in the Entrance Corridor – and that might be another way to address the issue of larger windows getting huge signs.

Mr. Boyd asked how many windows in the County would actually want a 100-square foot sign in a 200-square foot window. He does not think businesses want to do that.

Ms. Mallek responded all the restaurants in Forest Lakes.

Mr. Wright responded all grocery stores in the County.

Mr. Boyd said his point is whether the County is being practical. Most of the signs that he sees are for things such as a hamburger, 2 for \$3 today and they are there temporarily. He does not see a lot of abusive use as is being described here of huge signs out there.

Mr. Snow said he drove Route 29 and counted the signs in the windows when he was on the ARB, and he was amazed at how many are in the windows. They are absolutely everywhere. To saddle ARB with the responsibility of clearing every sign that goes in a window and then policing it, you would have to double your staff by about triple, and then it would still be almost impossible to police.

Mr. Rooker said he is in favor of eliminating the certificate of appropriateness and having an administrative process for window signs, but he is not in favor of dramatically increasing the size of allowing window signs in the Entrance Corridor. It doesn't help the situation to say "we're not going to enforce them, so why should we have any standards."

Mr. Snow stated that he agreed with having standards, and he has been a proponent of 50% of the window.

Ms. Mallek said that people will be looking for an edge, and if one sign is allowed others will follow because they will see the need to compete. She does not think it is appropriate.

Mr. Rooker reminded the Board about the Ed McMahon presentation at the Omni, where the discussion focused on where people would rather invest their tourism dollars – in a place with signs that are out of control, or in a place that does not support that approach. Every merchant wants to get an edge over the other merchant, but all of them have to operate within the same system. He said if the edge is allowed to be 1,000 feet, every sign would be that.

Mr. Snow added that it will also be lighted.

Mr. Boyd said the question is whether a window sign should be 25% or 50%.

Mr. Rooker said it is also a question of size, and perhaps a cap should be included also.

Mr. Dorrier stated that Ed McMahon also said that sign regulations that are reasonable would be supported by the courts.

Ms. Mallek noted that he also said "clutter is negative in every way," and it makes people run the other direction to shop. She said that when the Workforce Investment Board had their first meeting at the Best Western in Greene County, Bill Ditmar and others drove halfway to Madison County because there were so many signs they couldn't find the hotel, even though it was the anchor tenant.

Mr. Dorrier said the interstate highway is a good example of a logical sequence of signs.

Mr. Rooker agreed and said they are uniform.

Ms. Mallek said the sandwich board signs in the rural areas are only supposed to be in the planned districts.

Mr. Higgins stated that in the County they are only allowed in the downtown Crozet district, and staff is suggesting that it be made a standard for the planned commercial district.

Mr. Dorrier said they are used in Scottsville and are very good.

Mr. Rooker said that is a downtown setting. He said his only question about those is not allowing them on the Entrance Corridor roads, and sandwich boards should only be allowed in downtown areas – as internal signs. As an example, he does not want to see a bunch of sandwich board signs along Hydraulic Road for the Stonefields development; he does not mind them being internal to the development.

Mr. Higgins said that's a very important distinction. He said that he would recommend that the Board adopt this with a few small tweaks, such as the window signs having a 25% max and a cap for size.

Mr. Wright said the changes they are proposing would not create numerous 64-square foot signs, there could only be one.

Mr. Rooker said it comes back to having two signs at every entrance, and asked if there's something that prevents there from being two 64 square feet under this proposal.

Mr. Wright responded that if there is more than one sign at an entrance, no sign shall exceed 16 square feet and no change is proposed to that provision. If a shopping center was allowed four bonus tenant panel signs, he said the potential is there for one sign to be 64 square feet, but every other sign would remain at 32 square feet. Mr. Wright emphasized that the ordinance does not regulate content, and a shopping center gets 32 square feet either to have their tenants listed or the name of their shopping center listed. He said the additional 8-square foot bonus tenant panels proposed would be for anchor tenants who want to have their sign out on the road, which is just an increase over the current 6-square foot sign. They are not increasing the number of signs at a shopping center. As an example, there is nothing to prohibit Hollymead Town Center from having a 12 foot tall, 6 square foot, freestanding sign, four of those currently to identify businesses. The number of freestanding signs that could be at Hollymead Town Center is unbelievable.

Ms. Mallek said she has no problem with that as long as it is not allowing them duplicates. Mr. Wright also clarified that no business gets more than 200 square feet of wall signage, whether that is one sign or more – such as a Wal-Mart, a Sam's Club, a Kohl's or another large store. He said that because of the way Hollymead has been chopped up into numerous parcels with public roads running through, the number of 32-square foot signs allowed currently could be significant.

Mr. Snow said he could support this with the change in the window signs.

Ms. Mallek asked about truck signs and whether those are addressed at all.

Mr. Higgins said there is already an ordinance in place, and the County does get complaints. He stated that the ordinance defines it as a vehicle that is only for the purpose for signage, which is not parked in an approved parking space and is not advertising a business elsewhere. Mr. Higgins noted that another issue is a business that leaves a delivery truck with a logo in one place for a very long time, and when someone complains the County will ask them to move it. He added that there is a little grey area here, but typically if the truck is in a parking space, an operable vehicle, and the advertising is a vehicle used in that business, the County cannot do anything about it.

Mr. Boyd said he had a question about Section 4.15.2, "Definitions," and under Section 18 car dealerships and establishments seem to be singled out. He stated that the interpretation of this clause is that they cannot be considered separate businesses or establishments, even though some of them are larger in area than shopping centers.

Mr. Higgins responded that if they were considered separate establishments by that definition, then each establishment would be able to have the full complement of signs.

Mr. Greg Kamptner, Deputy County Attorney, said he had received an email from Mr. Neil Williamson on this, and the history of that particular provision is that years ago the car dealerships that might represent different several franchises were asserting that each franchise constituted a separate establishment. He stated that Zoning had interpreted the definition of "establishment" as "the place of business," regardless of what brands were being represented, focusing on the place of business itself. Mr. Kamptner said that his recollection is that car dealerships were the only one making the argument that they were being singled out and should be entitled to the full array of signs. He provided the example of an electronics store representing a number of brands, stating that they could make that same argument.

Mr. Boyd asked if there was a different playing field for someone operating a number of different dealerships.

Mr. Kamptner explained that even though they may represent several different franchises, there is still a single place of business for purposes of applying the sign regulations – and in a shopping center, each tenant, i.e., Starbucks, Stables, would be considered a separate place of business. Staff is focusing on the place of business and not the product line. He said that if Radio Shack were the franchisee for RCA, Mitsubishi, etc., each of those particular product lines are not an establishment.

Mr. Boyd said that the argument on the part of auto dealers is that each brand is a separate inventory.

Mr. Kamptner added that staff is always looking at ways for improving and evaluating changes to sign regulations, and that is something they can put on the table.

Ms. Mallek said that Radio Shack wouldn't have a sign out on Route 29 because they are located in the mall, either today or in the future.

Mr. Boyd said that car dealerships are asking to have the same authority, and asked why this mentions them specifically.

Mr. Kamptner replied that at the time it was an issue that needed to be addressed, and that clause would simply codify how Zoning was applying the definition of "establishment" at the time.

Mr. Boyd mentioned Battlefield Ford as having Ford and Jeep, noting that they have more than one sign.

Mr. Kamptner said they would be treated as a single establishment for the purposes of determining the number and types of signs they would be entitled to.

Mr. Boyd asked if the same applied to the Exxon station and Wendy's since they are in the same building location.

Mr. Wright said that for the purposes of a wall sign, it is considered two establishments, but for a free-standing sign it is considered one. He mentioned Rio Hill as an example of a business that could not have individual signs for each of its 30-40 establishments. Mr. Wright clarified that a car dealership is treated as any other business in the County as far as the number of free-standing signs on the property, and the rules apply the same as far as allowable square footage – with the business deciding how they want to use it.

Mr. Rooker added that they could put all their brands on the sign.

Mr. Boyd asked why the clause about car dealerships is in here.

Mr. Rooker responded that there was a legal issue raised at some point, and in order to close that gap it was included in the ordinance language.

Mr. Kamptner said that Zoning was dealing with an issue related to a dealership with several different product lines, and the clause was put in simply to codify the interpretation that Zoning had been making.

Mr. Wright said the “per establishment” is crucial for his job which is calculating how much square footage a business gets for its space. He explained that with Rio Hill for example, there are 30 businesses each with a leasable area. He stated that each business within that center would multiply the length of its building times 1.5. Mr. Wright said the car dealership out by Wal-Mart and the Doubletree has two buildings, each with frontage on Route 29, so you would take the length of each building and multiply it by 1.5 not to exceed 200 square feet. Each building has an allotment of square footage; it is up to Brown to decide what they want to do with that 160 square feet. He said they could divide it up into five or six signs that identify each franchise, which is what they have done, or they could just make one big sign that says “Brown Auto Center.”

Mr. Boyd said that if it is based on square footage in any establishment, it would still be the same amount of square footage whether its five establishments or one establishment.

Mr. Wright explained that if it weren't specified and there was a 500-foot long wall, then as the signs change out and new businesses come and go the County would have to keep a running tally of what every single person's square footage is and deducting it from that wall's maximum. It becomes a nightmare just to administer it. He added that the County goes by the leasable frontage for a business, per establishment, and they go by the leasable frontage for a business. It is crucial language. He asked the Board to not take that out because it's really important to administer the sign ordinance.

Mr. Boyd said if you go to Fashion Square Mall, you don't see a lot of outside signs for the inside stores – only for the larger tenants.

Mr. Rooker responded that the shopping center would not allow it because they wouldn't like the looks of it if everybody had signs. They negotiate it. He said he is sure it is a huge issue. He said it creates a problem sometimes for the landlord because tenants say they want to be on the sign.

Mr. Boyd stated that car dealerships could go through the ARB to apply for signage; they just don't want to be restricted based on code.

Ms. Mallek said they seem to be misunderstanding what they are allowed to do.

Mr. Snow agreed.

Mr. Rooker reminded Mr. Boyd that he had gone to the 30th anniversary luncheon for Mr. Kenny Brown's auto business, at which Mr. Brown “praised the results” of going through a process and said “we all do better in this County because you maintain aesthetic quality here.”

Mr. Boyd said he remembered that, but asked Mr. Rooker what his point was.

Mr. Rooker said that Kenny Brown seemed very pleased with where he ended up and was more concerned about letting another business doing something that dwarfs his presence.

Mr. Boyd said Mr. Rooker is always assuming the worst of everything for every business and he is saying that they are not trying to get any special consideration; all they want to do is be treated the same as everybody else. They do not see why they need to be treated differently.

Mr. Rooker stated that he doesn't know where Mr. Boyd gets that opinion, but said that most businesses would try to maximize their commercial exposure, which is natural.

Mr. Higgins said that on the particular issue of establishments, staff would be happy to study it and come back to the Board – but that is not actually before them today and was not advertised.

At this time the Chair opened the public hearing.

Mr. Morgan Butler addressed the Board on behalf of the Southern Environmental Law Center, stating that the SELC has been involved in the public discussions about reviewing the sign ordinance since the first roundtable last year. Mr. Butler said this is a very important issue because how a community approaches sign can have a huge impact on its visual character, and protecting that character is critical to its economy and quality of life. He stated that signs serve valuable safety and business purposes as useful tools for helping people locate destinations, but when signs become too big or too high or too numerous they have the opposite effect – making driving conditions more dangerous and harming a locality's economy by making it a less attractive place for people to live, visit or shop. Mr. Butler acknowledged staff's work on this topic and thanked them for meeting with the SELC to discuss concerns, adding that some of the changes are fair improvements to the ordinance, but some of the changes go too far and are likely to have a negative impact on the County. He said that it was discovered that it was the process of getting the signs approved that was “causing applicants' headaches” and not the standards themselves.

Mr. Butler stated that the SELC sees no compelling reason to change the height standard for wall signs, as they are currently limited to 30 feet in height in non-residential zoning districts but under the proposed changes could be raised all the way to the cornice of the top of a building's walls – essentially eliminating the height restriction altogether. He said that while it may make sense to occasionally approve a higher wall sign – such as when one building façade blocks another – those isolated cases could be better dealt with on a case by case basis through modifications rather than enacting sweeping changes. Mr. Butler also stated that the proposed changes would double the size of window signs and eliminate any ARB review of window signs located along Entrance Corridors, regardless of how big it might be. There

needs to be some safeguard against storefronts becoming defacto billboards, especially along the County's Entrance Corridors. He suggested keeping the cap on size and keeping the percentage of 25% but removing the ARB.

Mr. Butler asked what in these proposed changes would have an impact on the "almost unlimited number" of 32-square foot freestanding signs at Hollymead Town Center. Mr. Higgins responded that it would have none, and would only impact the potential for individual tenant signs.

Mr. Butler said that is a concern, and it needs to be acknowledged that there is an unlimited potential for freestanding signs at shopping centers with multiple parcels.

Mr. Rooker said he thought this was taken care of.

Ms. Mallek said she thought staff said they would all go away with the inclusion of monument signs.

Mr. Higgins clarified that the 32-square foot signs that can be done now on each frontage of each parcel have not been affected at all, and this was only a method of consolidating the additional freestanding tenant signs and eliminating that possibility to allow them to go on one shopping center sign.

Mr. Rooker said the only thing that's being done here is increasing the size of signs allowed and trading the anchor signs for panel signs, but staff is saying it doesn't really solve the issue of having multiple signs on each parcel.

Mr. Frank Calhoun addressed the Board, stating that he is here on behalf of Scenic Virginia to read the views of their board. Mr. Calhoun said that Scenic Virginia is a statewide organization dedicated solely to the preservation, protection and enhancement of the state's scenic beauty and community character with a long-standing interest in signs. He stated that "beauty is good for business" but visual clutter from poorly designed, ostentatious signs can detract from the unique character and beauty of a place. Mr. Calhoun said that signs are important for attracting business and ensuring that the public can find what they are driving around looking for, and the ordinance must draw the line between attractive signs and bad ideas. He stated that as Scenic Virginia board members travel the state, they have admired the County's tasteful entrance corridors and have noticed the strength of the ordinance as individuals who pay attention to why some communities are more attractive than others. Mr. Calhoun said the board urges the Supervisors to keep your standards high, but not your signs, and to allow wall signs to go to the top of commercial buildings will surely result in a competition to see who has the highest sign. He urged the Board to keep the height standard of 30 feet for wall signs, and said that present standards limit window signs. Mr. Calhoun said the proposal is to double their allowed size and to completely drop the nine-foot limit in the entrance corridor. He emphasized that most of the retailers complaints are about the process, not about the standards, and they realize that as long as everyone has the same controls the playing field would be level. Mr. Calhoun said that putting the certificate of appropriateness in the hands of staff and taking the process away from the citizens on the ARB is an extreme response to the concerns about process, and there are ways to make the process move swiftly without losing citizen input.

Mr. Paul Wright, a member of the ARB, said he was present to talk about height of signs. Mr. Wright said when he first started on the ARB he was in favor of the height limitations, but he has come to understand that is no longer appropriate. He stated that in considering the new Hyatt in the Hollymead Town Center, it makes sense to put the sign at the height of the building. Current regulations don't allow it to be put in the cornice – and the height issue seems "artificial" given the newer height of buildings in the entrance corridors. Mr. Wright said there are very few very tall buildings, and to have everything limited to 32 feet actually increases visual clutter because to put it at the top of the building is the place to put it – as is typical of larger cities. He stated that if a hotel puts their sign too high and travelers can't find it, that's a bad idea on the part of the hotel but that doesn't mean the County should dictate that. Mr. Wright noted that the ARB did approve the sign for the Hyatt, and there were no objections on the height there.

(Note: Mr. Thomas left the meeting at 1:00 p.m.)

Mr. Jeff Werner, speaking on behalf of the Piedmont Environmental Council, said the concerns people have expressed in the past about the sign ordinance relate to the process and not the particulars. He mentioned a stereo store across from Lowe's where the sign was conflicting with the trees on that site, and even in the simplest regulations there will be glitches. Mr. Werner said the issue has been who to talk to in the County when issues arise. He stated that his concern with window signs is "what is a window," and the question is at what point a window on a building becomes a billboard. Mr. Werner stated that the Virginia Bank Building on Pantops has some floors that are vacant, and asked what would happen if those windows were rented out for signage. He also said he was unclear about signs at entrances and whether one sign was allowed there or more. Mr. Werner said that as far as size of window signs is concerned, PEC has issues with those signs becoming billboards elsewhere. He suggested that as this goes forward that the discussion include examples to see as opposed to text which would make it more understandable.

Mr. Neil Williamson, of the Free Enterprise Forum, said that he also attended many of the roundtable meetings regarding the sign ordinance. Mr. Williamson said he had actually wanted 75% of window use or 50% of total window area in the building. He noted that at grocery stores there are usually signs advertising specials that cover the majority of the window space – and the static window clings are a concern for safety reasons. He mentioned that the Southland Corporation did a great study many years ago on signage in windows and how much space is necessary, and they determined that around 50% is necessary. Mr. Williamson said he sits in on almost all ARB meetings and doesn't know how many window signs they've ever reviewed. He also stated that there are not a large number of buildings in the

community that are over 30 feet, and the County needs to be positioned to allow for that as the development areas build up. Mr. Williamson also expressed his support of the statement in the ordinance: "Signs are a critical part of any business."

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

Mr. Rooker said he is not ready to support the first part of the ordinance because he would like to see something to address the parcel issue, which is included in the first block of three paragraphs.

Ms. Mallek stated that the first provision would be one monument instead of one per parcel.

Mr. Rooker said he was fine with that.

Mr. Snow said he was also fine with that, and other Board members agreed.

Ms. Mallek stated that with the second provision, she had thought the recommendations were approvable – but with further staff comment it was clarified that everything in the current requirement stays plus a 64-square foot monument.

Mr. Wright said that the potential for one 64-square foot sign, which would be an increase from the potential of one 56-square foot sign as the regulations stand today.

Mr. Higgins clarified that some districts have a 24-foot maximum and that will remain.

Ms. Mallek asked what those districts would be.

Mr. Wright explained that those would be rural areas, planned unit development, planned residential development, R-1, R-2, R-4, R-6 and any residential district.

Mr. Rooker said there is some confusion because it was just said that every [commercial] parcel could still have a 32-foot sign, and he would like to understand exactly what is meant.

Mr. Snow said the suggestion was made that they bring back examples by what is meant so the Board could see this in pictures.

Mr. Wright said there is really only one shopping center where there are multiple parcels right on a major street frontage – and that is Hollymead Town Center – and they had the option of adding one 32-square foot sign per street frontage under the current ordinance. He explained that the change under the proposal encourages applicants to take advantage of the bonus tenant panels on the one sign at the one key entrance, with a goal of reducing the potential for numerous 32-square foot signs.

Mr. Rooker asked why that couldn't just be made a requirement, and said he doesn't mind allowing a larger sign or the panels if they're actually consolidating as opposed to sticking up signs on every parcel just because a particular shopping center were made up of numerous parcels.

Mr. Boyd asked what the case would be if the parcels front on different streets.

Mr. Foley suggested that this item come back to the Board after more information is compiled and brought back in a more focused proposal.

Mr. Rooker said the only other thing he would suggest is that sandwich board signs be internal only.

Mr. Cilimberg noted that there are some Entrance Corridor streets that even Places 29 has identified as potential pedestrian streets where there would be frontage and where pedestrians are being encouraged, so there should be some caution exercised there in ruling out streets that may transform over time. He stated that Rio Road on the eastern side of Route 29 is shown as a transforming street, with frontage for buildings and pedestrian areas.

Mr. Wright stated that the sign ordinance is a tricky thing with planned developments, and although the zoning of many of them is the same they are very different in character. He asked that the Board not get hung up in the fine print about what may happen because staff is not proposing anything that's going to create a monster down the road. For the regulations now, these things may happen at any of these developments, but it hasn't happened and staff is not proposing anything that is going to make the worst case scenario happen. The "one size fits all" is the trickiest part of the sign ordinance, and it is very hard to make everybody happy.

Motion was then offered by Mr. Rooker to defer ZTA-2010-00005 to a work session. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Thomas.

Agenda Item No. 14. Closed Meeting.

At 1:13 p.m., **motion** was offered by Mr. Boyd 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. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 15. Certify Closed Meeting.

At 1:50 p.m., the Board reconvened into open meeting. Mr. Boyd **moved** that the Board certified by 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. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 16. Boards and Commissions: Vacancies/Appointments.

Motion was offered by Mr. Snow to make the following reappoints:

Mr. Russell Lafferty to the Charlottesville Albemarle Regional Transportation Committee as the Planning Commission Representative with said term to expire April 3, 2014.

Mr. Richard Venerus to the Joint Airport Commission with said term to expire December 1, 2014.

Ms. Anne Bedarf to the Natural Heritage Committee with said term to expire September 30, 2015.

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

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

Agenda Item No. 17. DIA Update, Phil Roberts, DIA Chief for Rivanna Station, and Colonel John Strycula, Post Commander - Fort Belvoir.

Mr. Roberts reported that at least 75 local employees have been hired from this region at various hiring events. He said DIA supervisors and hiring managers have reported that they are very impressed with the quality of talent in this region. He said those employees that decided to relocate to this area from Washington D.C. have been well received here. At the current rate of hiring, he added that there will most likely be additional opportunities in the future with another hiring fare already scheduled at the OMNI in February. He added that over 800 people applied at the last event. Mr. Roberts said they have done a survey of where their employees live, and determined that about 46% of them live in Albemarle County, 23% live in Greene County, 10% live in the City and the remainder live in other areas of the state, from Richmond to I81 and all the way north at Culpeper, a very dispersed group. He stated that DIA has two primary partnership issues that he would like to address; one is the relationship with the various school systems. He said he met with area school officials yesterday and they have picked up mentorships with a few county schools, and expressed that DIA is very proud of their developing partnership with the University of Virginia as well. In addition, he stated that, at the request of their employees, they have been able to move their charitable contributions for the United Way from the Washington, DC area to the Thomas Jefferson area and would likely be able to make a significant difference in giving within the local community.

Colonel Strycula addressed the Board, stating that he is the Fort Belvoir Garrison Commander, and Rivanna Station is one of the many sites that fall under Fort Belvoir. Colonel Strycula said that his presence at today's meeting is to talk about the master plan, which is the Army's way of looking at an installation and envisioning where they want Rivanna Station to be or look like in 20 to 25 years. At the end of the year, NGIC was able to get some funding to be able to start that planning process. He said they are in the very initial stages with the first meeting scheduled for next Tuesday with the Corps of Engineers and the firm that will do the master plan, determining what the long-term, coordinated plan for Rivanna Station will be and should include support requirements, environmental concerns, etc. Colonel Strycula said that they are under development currently to establish a child development center, and they are looking at a final siting for that adding that the approval and monies have already been set aside. He added that, once the final site is approved, they will be able to break ground and the center should be fully operational within nine months. Colonel Strycula reported that when the Department of Defense builds

facilities, they build parking for only 60% of the employees because there is always a percentage of employees who are not there on a daily basis. The intent is to try to foster and reduce single occupancy vehicles, which is where the 60% comes from. There are parking restraints at Rivanna Station; so one of the things they want to do is help employees and encourage the use of mass transit and carpooling. He stated that they are going to, very soon, run a commuter fair at the station to determine all the resources available in the area and help educate employees on everything that's available to them. Colonel Strycula said that bringing NGIC and DIA employees together at a commuter fair encourages discussion of carpooling opportunities. He also said they are hoping to get some good ideas from the people who are commuting as to how to improve mass transit and discuss other transportation options, such as park & rides, changing bus routes, all of which will help get at reducing the number of single occupancy vehicles on area roads.

Mr. Rooker asked if the master planning process is open to the public.

Colonel Strycula stated that they would determine all the requirements through the National Environmental Protection Act documentation which has to go along with that and then provide that documentation out to the local community for comments as part of the entire master plan. He said that the final master plan would be made available to the public, adding that this process would take approximately six to nine months to establish a draft plan.

Mr. Rooker asked if the child development center would be operated internally, or will a private vendor would be brought in.

Colonel Strycula said the center would be under the supervision of Fort Belvoir, with personnel hired from the local community.

Mr. Rooker noted that the University of Virginia has done a lot of work in reducing single-occupancy vehicle use on campus, and Fort Belvoir may want to reach out to them through Julia Montieth or Rebecca White as they may have some good ideas to share.

Mr. Boyd added that State Farm has also been very successful with van-pooling and rideshare programs, and Peggy Echols would be the person to contact in that regard.

Mr. Boyd asked if someone had to have top security clearance in order to apply for a job with DIA.

Mr. Roberts replied that applicants are not required to have security clearance and, when talent is selected, it is assumed that clearance would be obtained after the job is offered. There is a citizenship requirement and a few other established rules, but it's a pretty simple process.

Mr. Snow asked if there is any money DIA or NGIC could offer that might go toward some of this area's transportation needs.

Colonel Strycula responded that he is hesitant to respond until they get feedback from commuters and then he would be better able to answer that question.

Ms. Mallek asked if there are still plans to bring a fire company down to Rivanna Station.

Mr. Roberts responded that there are no plans currently to do so, and they would remain under the mutual aid agreements.

Mr. Dorrier asked if there was a police force onsite.

Mr. Roberts replied that there is a police force that protects the building at DIA, and Fort Belvoir Garrison Commander provides the security of the facility.

Mr. Dorrier asked if there was a hospital onsite.

Mr. Roberts said they just passed the critical mass to have a full-time medical professional onsite, and that person will be shared between NGIC and DIA.

Mr. Boyd asked how many employees work at both NGIC and DIA.

Mr. Roberts stated that the number is about 2,800 with some of those being contractors.

Mr. Dorrier asked if employees volunteer within the community or if they stay at the station.

Mr. Roberts said that many of their employees volunteer within their local communities, and one of the schools they have adopted is in the City. He said, through the local giving campaign, he felt certain that many of their employees will provide volunteer services to community agencies. He mentioned that JABA recently assisted him in caring for his mother after his father passed away, and he would be giving to them.

Agenda Item No. 18. Board-to-Board, *Monthly Communications Report from School Board*,
School Board Chairman.

Mr. Steve Koleszar addressed the Board and stated that the Schools recently received recognition from the College Board for their AP performance, one of only 3% of school divisions in the country to receive the award, which is given for increased participation without a drop-off of scores. He reported that the School Division's participation among free and reduced lunch students in AP courses has increased 129%, and the minority participation rate in AP courses has increased 50% without any drop-off in scores. He said one of the goals of the School Board has been to eliminate the achievement gap, and that kind of data shows they are making some progress. Mr. Koleszar also stated that the School Division has a 93% on-time graduation rate, and the dropout rate is down to 3%, which is a phenomenal number. He said that the School Board will meet on November 10 to develop their legislative packet and, at that meeting, they will decide if they want to revise the issue of revenue sharing at the state level, in preparation for a December meeting with legislators.

Mr. Koleszar said the School Division is in the process of doing spot redistricting for Hollymead, which is particularly overcrowded, and possibly Stony Point. He said a committee has been established that is talking to parents and going through a detailed process so everyone would be informed. He stated that a decision could possibly be made about that in January or February.

Mr. Rooker asked if student population is up over the last three years.

Mr. Koleszar responded that there are a fairly large number of empty seats at the elementary level, however, certain schools are overcrowded so that problem could be solved with spot redistricting with almost 700 students at Hollymead. He said there is space at Baker-Butler and at Broadus Wood, with Agnor-Hurt becoming pretty overcrowded presently.

Ms. Mallek said that people at Crozet Elementary, which is quite small, want to bring back personnel that were moved over to Brownsville because enrollment there has dropped.

Rather than using a funding formula from year to year, Mr. Koleszar said the School Division would prefer to use a three-year moving average in order to provide more stability for staff. He stated that some of the older buildings don't have auxiliary space and if one just evaluates classrooms, those have the same capacity as a school with a lot of extra space, which is not an accurate way to measure capacity. He said that Schools may have some projects to 'fast track' in year two, because there isn't anything in years two through five at this point.

Ms. Mallek commented that their meeting last night was very interesting and she enjoyed hearing all the new ideas that were circulating.

Mr. Koleszar said that, related to the School Division's State of the School report, there has been a dramatic increase in enrollment in arts and foreign languages with the 8-period day. The art enrollment has gone up from 500 courses, and the Western Albemarle County Band numbers have almost doubled from a few years ago. He also stated that participation in the STAMP test for foreign language ability has almost doubled, and CTE enrollments have also gone up.

Mr. Boyd stated that it would be a real challenge to fast track projects right now, and asked if there would be any surprises coming from the School Division this year.

Mr. Koleszar explained that, since there's nothing in the CIP other than maintenance projects, anything going into it would be, by definition, a surprise. He said when the Long-Range Planning Committee came up with a CIP proposal based on existing staffing formula, it amounted to a huge amount of dollars, so they need to look at building capacities and not use the old formulas. He said, based on the School Division's revised needs, there may be some projects next year such as expanded WiFi and wideband access for students. He reiterated that they are getting great results in terms of student performance, and they are very proud at what is being accomplished.

Mr. Rooker said the School Division is doing a terrific job.

Mr. Koleszar thanked him for saying so.

Agenda Item No. 19. VDOT Update, David Crim.

Mr. David Crim addressed the Board, stating that he has assumed the role of Karen Kilby now that she has retired. Mr. Crim distributed a contact list that included his information as well as for other key personnel, such as Bill Hennett, who is Maintenance Operations Manager for the Charlottesville Residency. He said Joel DeNunzio is based at Zion's Crossroads and is still overseeing land development issues. He stated two additional points of contact are Jane Falls with the Charlottesville Residency Office and Sharon Wolfrey with the Zion's Crossroads Office; both of whom are able to reach staff members quickly.

Mr. Crim said Mr. Christopher Byington, the Assistant Residency Administrator in Charlottesville for the past four years, has taken another position in the Culpeper District and will work in the design office, with a focus on local projects in the Six-Year Secondary Plan program. Mr. Crim said that Mr. Byington, in this new position, will provide service to eight other counties in addition to Albemarle, and he will work toward getting local projects moving forward more quickly.

Mr. Rooker asked who the principle contact would be for the Broomley Road Bridge project, which is the bridge over the railroad track off of Rt. 250. He said the funding is already set for that project and he is hopeful to interact with that person so that the project will stay on track.

Mr. Crim responded that Mr. John Giametti is still the principal point of contact for that project.

Mr. Crim also referenced a handout regarding the adoption of the 2009 Manual of Uniform Traffic Control Devices (MUTCD). He said the Federal Highway Administration (FHWA) revises this manual every few years and requires each entity that works on the right of way to adopt the manual. For Albemarle County, Mr. Crim said this would primarily involve work zone traffic controls that will be overseen by the County's Public Works Department. As soon as VDOT gets verification that the manual has been adopted by the Commonwealth Transportation Board, VDOT will meet with County staff and answer any questions they may have. Mr. Crim added that a resolution should be adopted no later than January of 2012.

Mr. Crim reported that VDOT has had a pretty good resurfacing program for the County this year, with 61.8 miles of resurfacing completed other than what's going on now for the Gordonsville Highway. He said that a micro-surfacing project is anticipated to be completed by the end of November. He added that all other work, except the thermal-plastic markings on Hydraulic Road, have been completed and, by the end of business today, those would also be in place.

Mr. Rooker stated that the workers on the Hydraulic Road project have done a first-rate job. He said a lot of the work was done in the evenings in an effort to avoid closing lanes during the day, and said the finished product looks good. He said there is a vast improvement in driving down that road at night with the way they have done the reflectors and for the various turn lanes, and said it is a great improvement over what was there before.

Ms. Mallek asked about the right turn green arrow from southbound Hydraulic onto Georgetown, which was, she thought, put off until the Georgetown Road work was finished. She stated that it may have fallen off the table, and would like to reactivate that request because there seems to be some confusion and uncertainty when there is a left turn from Georgetown going northbound onto Hydraulic. She added that it seems like there should be a continuous right turn of the people in the other direction to facilitate traffic. She said, with an arrow, there would be less uncertainty and confusion.

Mr. Rooker stated that there are three intersections coming together, and the only time there should not be a green to be able to turn would be if you're coming south on Hydraulic to make a right turn on Georgetown. He said there ought to be a signal there so that it's green except when there's a left-hand turn signal coming off of Hydraulic onto Georgetown or when pedestrians push the button to cross.

Ms. Mallek noted the rare occasion when people are pulling out of the old video store lot.

Mr. Crim said he would look into the issue and send the Board an update.

Mr. Crim stated that next year, if all goes as planned, VDOT would contract for 71.8 miles of resurfacing, which is ten more miles than this year. He said that work will be going to contract the latter part of the winter and, paving would begin in April.

Ms. Mallek asked if VDOT would be returning to the every-so-often interval as opposed to the catch-as-catch-can process. She added that there was a decision that was made to throw out the resurfacing in lieu of working on only small sections, which meant that everything between the little sections would break up.

Mr. Crim responded that VDOT has started a pavement management program that is based on need whereby a condition assessment is done every year. He said there is truly more need than VDOT has funding for, but the pavement management system has several criteria such as volume of traffic and type of pavement deformation. He said, in terms of sticking to a normal schedule, it is much more scientific. He stated that the primary system is looked at more frequently and certainly more often than the secondary system and radar technology is used to help VDOT identify need. Regarding Rose Hill Church Lane, which was one of four rural rustic roads to be done this fiscal year, he said that road has been held up by historic review because it is in the Monticello Historic District. He said the other three roads are, hopefully, scheduled to be paved next spring. Mr. Crim said that there was interest in the intersection with Milton Road having a separate intersection project, but that would require some right of way. He reported that there is a traffic study under review for a speed reduction on Rio Mills Road, going out to the quarry, which is to be done in two separate phases; one section for the paved portion of the road and one section for the dirt portion. Mr. Crim reported that they have requested review of enhancements for US 250 and I-64 ramp locations as well.

Mr. Rooker asked if there should be some factor in the studies that shows it's safe to go a certain speed, rather than just saying people are going too fast. He said that Rio Mills has received a lot of truck traffic from the quarry and the neighbors are very, very upset about the speed of the trucks on that road.

Mr. Crim said Mr. Rooker is referring to the 85th percentile, which is a national standard, and special conditions are considered such as the type of traffic on the road, the number of driveways, the number of intersections, existing deformations, road condition, etc. Mr. Crim said they have had very little success with getting good data on doing speed surveys on dirt roads, and have done very few for that reason. With the existing traffic counts on Rio Mills, he is hopeful they can get some better data.

Ms. Mallek said the gravel section is already at 35 mph because the Board passed an ordinance a year or so ago to make that the default on all gravel roads in the County. She said it could come down to 25 mph and anyone who goes faster than 25 mph has a death wish. But it is the unposted 55 mph on the paved section, about 1 ½ miles, which provides plenty of time for the trucks to pick up speed. If the trucks go over the hill and a school bus is stopped, the trucks cannot see the bus and it is a disaster waiting to happen.

Mr. Rooker said it's a residential road, but now that the quarry has become active again, the County is looking to VDOT to help assist with the speed limit for trucks traveling on that road.

Ms. Mallek added that David Willis at the quarry said he would be happy to write a letter of support to VDOT if necessary.

Mr. Crim said he has already received a few emails from Mr. Willis, and he would certainly forward any letters to the traffic engineers.

Mr. Crim stated that the monthly report shows that a speed study for Route 706, Dudley Mountain Road, was under review; however, that study has been completed, and the sign posting the speed limit as 35 mph from Old Lynchburg Road to Red Hill Road was installed on Halloween. He reported that there is interest in the US 250 Bridge over the Buckingham Branch Railroad at Shadwell, and that bridge is now under contract. He added that the preconstruction conference was held last week and the contractor is hoping to start sometime before Christmas. Mr. Crim stated that this bridge construction would have a significant impact on traffic, but the timeframe for closure is 70 days and the contractor has a stiff penalty if he doesn't meet that timeframe. He said the road would be closed before Christmas and would, hopefully, be an enhancement to the traffic because there won't be as much school traffic using it through the Christmas holidays.

Mr. Rooker commented that he was surprised at how well traffic was handled on Georgetown when that particular project was being done, adding that the sign on Hydraulic announcing the road closure in advance was quite helpful.

Mr. Boyd said that a lot of traffic would be driven from Glenmore over to Black Cat Road.

Ms. Mallek said there is an established detour for the fire engines. She suggested Mr. Crim reach out to Colonel Sellers and ask him to perhaps add some extra enforcement out on that project, as there are 18-wheelers and gravel trucks that are way over the 12-ton limit that cross the bridge. She added that the fire departments had asked if they must use the detour since other large vehicles were using the bridge.

Mr. Boyd said the bridge on Black Cat is deteriorating too.

Mr. Crim said that, hopefully, most of the traffic will go Black Cat Road to I-64, because there is a load limit on that bridge that is very low before one gets to Route 22. He stated that they would make sure the correct posting is up which will help deter trucks from using that part of Black Cat Road.

Mr. Crim reported that final mowing began in October, and the goal is to have that completed before the first snowfall. He reported that they are anticipating getting the final round of mowing finished soon, and the mowing swaths will be done a little bit wider. He stated that snow preparations are being made, with tests over the weekend on the areas along the mountainside. He stated that VDOT equipment is in good shape and contracts are in place for extra pushers and chemicals and abrasives. Mr. Crim said about 75% of storms that normally come in allow for use of pre-treatment, which has been enhanced so it is now used in Louisa County also.

Mr. Snow said that as one drives in on Route 250 West toward Charlottesville, the traffic lights from Northridge Hospital down to Farmington, and Boar's Head and on down to the bridge aren't synchronized so the traffic backs up past Ivy Nursery and Flordan. He said that he's had several calls from residents requesting better coordination, which would help traffic move more smoothly.

Mr. Crim responded that there were some modifications done very recently to hopefully address that situation.

Ms. Mallek commented that she drove through that area yesterday and all the lights were green.

Mr. Snow said he also noticed a difference but thought it might be because he had left earlier.

Mr. Snow also asked about a small country church on Old Lynchburg Road just past the rifle range, with congregation members parking on the right side of the street and having to cross the road to get to the church on the other side of the road. He asked what could be done to help slow the traffic down on that stretch of road.

Mr. Crim stated that they are in the process of studying an apartment complex close to that area and while they're studying that, he would ask staff to study the church location too.

Mr. Snow said he had also received calls from residents in the Porter's District precinct regarding the intersection of Route 6 and Route 627. It was reported to him that there have been numerous accidents at that intersection, and asked if there could be a caution light installed there.

Mr. Crim said he would look into that as well.

Mr. Rooker stated that when VDOT did the paving on Hydraulic Road, the tripper on the light at the Rock Store on the corner of Hydraulic and Rio Road provides a long period of green for left-hand turns coming south on Rio at that intersection when no one is really utilizing it and it is holding up traffic. He requested VDOT look at the tripper to see if an adjustment is needed.

Mr. Boyd said he wanted to ask about Brock's Mill Road, which has project scoping scheduled for spring 2012 on the schedule.

Mr. Benish explained that the County is working to secure the dedication of right of way, and the first step in that process is to create deed of easements and get the alignment platted. He said that rural additions require the County to take on some of the requirements of that work before it's passed on to VDOT to do design and construction. Mr. Benish said there are about eight properties involved and the legal work for the easements must be done first.

Mr. Davis noted that sometimes the legal work gets delayed because the deeds of trust need to be released and similar items of that nature.

Ms. Mallek stated that the downtown streetscape in Crozet took a couple of years because there were numerous interests behind the ownership. She asked if the legal cost and the platting cost would come out of VDOT money or County funds.

Mr. Benish replied that it would be a County cost, and he isn't sure how much that would be.

Ms. Mallek pointed out that the County was sold on this idea because this was supposedly a separate pot of money, which may or may not be accurate.

Mr. Benish responded that it is not a separate pot of money.

Mr. Boyd said the money had been set aside and it was agreed that the money would be used for this project; however, the Board wasn't sure it would be enough. He asked what the amount was.

Mr. Benish said the Board's action was to do this rural addition project up to the amount set aside, which was \$250,000, but the construction could be through VDOT funding. He said the County is paying for the legal work and for the deeds to be established. He added that the County will need to get the right of way platted and that work is the County's responsibility and is unsure of what the cost will be.

Mr. DeNunzio provided an update on work at State Farm Boulevard and Martha Jefferson Hospital. He said changes are scheduled to occur at that intersection in the next few months. He reported that, since the end of August when the hospital opened, VDOT had a recommendation from the traffic department for a two-way stop. He stated that, about a month after the intersection opened, the traffic engineers came out, took traffic counts, made recommendations, and their latest recommendations were to install a four-way stop at the intersection and reduce the number of through lanes. Mr. DeNunzio said that currently the through-movement is from the State Farm Office out to Rt. 250, and there is no stop sign coming out or going in to the State Farm Office. He said there are two lanes in each direction. He explained that the new plan would be for the left-most lane in each direction to be a through lane exclusively, and the right lane will be a right turn lane, with stop signs and stop bars placed at both of those. Mr. DeNunzio said VDOT would also install some advanced warning signs for lane assignments so it is clear which lane drivers need to be in as they go through the intersection. He stated that the new measures are the result of police contacts seeing perceived conflicts and lots of close calls in that area. The signs have been ordered and, once they are ready, the four-way stop should be completed in the next few months.

Mr. Boyd asked if Mr. Crim would be interested in meeting with the Pantops Advisory Council. He said one of the concerns from the State Farm representative on the Council is, if a stop sign is installed there, traffic would back up into the parking lot when work lets out.

Mr. DeNunzio said that, earlier in the summer, VDOT put a stop sign on that approach, which was a requirement and, when that was done, there were backups into the State Farm site, but since they opened up the fourth leg of the intersection there and did the traffic count with a four-way stop-sign, it's expected to operate at a service B level overall. He stated that, if it's warranted, there is proffer money for a signal out there also, but it is not ready to be put in at this time. He added that he would be happy to meet with the Pantops Advisory Council as well.

Ms. Mallek said she is aware that VDOT staff has been greatly reduced and asked what the average return time is now for a traffic study, noting that the J.B. Barnes project in Crozet took four months.

Mr. DeNunzio responded that VDOT has 45 days to respond once they get a traffic study, and he thought the Barnes project had met that timeframe from the date that it was received. He pointed out that the study wasn't submitted as a complete package because the fee hadn't been included, which impacted the timeline.

Mr. Crim clarified that the contractor for the bridge in Shadwell would start to work in December, but that is for the work underneath the bridge. He said the actual closure is still planned for March. He

said he would verify dates to be certain, but he thinks the original information on the timeframe was correct.

Mr. Boyd suggested VDOT provide some clear maps to help people navigate the detour routes.

Mr. Foley said county staff is in the process of putting together a communications plan in conjunction with VDOT, adding that Lee Catlin will be working closely with VDOT staff on this plan.

Mr. Dorrier said he had been contacted by a resident of the Scottsville District named Tom Sullivan, who paved two miles of Blenheim Road at his own expense, and he has now written a letter requesting internet switches be installed along the highway easement. Mr. Sullivan is also requesting permission to pave additional parts of that road. Mr. Dorrier asked if the VDOT had a policy on dealing with this sort of thing and how the County should approach his request.

Mr. Crim stated that any kind of paving would have to be requested by the County and be made part of the six-year program.

Ms. Mallek said this is also about using the right of way for internet service.

Mr. Dorrier provided a copy of the letter to Mr. Crim and Mr. DeNunzio.

Mr. Davis mentioned that there was a similar request made a few years ago for this exact roadway, and it was very controversial.

Prior to her presentation on video-streaming, Ms. Catlin mentioned that she had already scheduled a joint meeting with the Pantops Council and Village of Rivanna Council to talk about the Shadwell Bridge closing and will be working very aggressively to get information out to the public about that project.

Agenda Item No. 9. Video Streaming Board of Supervisors' meetings (postponed from earlier).

The executive summary states that Board members recently inquired about the possibility of video streaming Board meetings to increase the transparency of the Board's activities and to allow individuals who are unable to attend the meetings to view them. This agenda item provides information regarding what other Virginia localities are doing and provides a staff recommendation if Board members would like to pursue the possibility of video streaming the County's Board meetings.

To estimate potential citizen interest in video streaming, staff researched Board meeting podcast download trends since Board meeting podcasting began in 2006. As the chart below indicates, there has been a steady and significant increase in the number of podcast downloads in the past five years, with the highest level of downloads occurring in the first quarter of 2011. Based on the first two months of data for the current quarter, the final number for this quarter is expected to surpass that record number. The trend indicates that the public is interested in accessing audio records of Board meetings, particularly since the County provides podcasts within 24 hours of the Board meeting in most instances.

Podcasting Trends:

YEAR	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul-Sep	Q4 Oct-Dec
2006	**	**	167	230
2007	355	903	979	1,259
2008	5,779	6,946	10,192	9,542
2009	11,388	13,440	14,275	15,672
2010	14,435	8,669	2,451	7,483
2011	22,292	19,074	17,776(Jul/Aug)	---

Peer Locality Research:

In order to assess how Virginia peer localities are approaching video streaming, County staff researched sixteen localities in Virginia that are frequently used by Albemarle County for benchmarking purposes. Of those localities, six are not currently video streaming - Hanover, Augusta, Bedford, Rockingham, Frederick and Spotsylvania. Ten are video streaming either alone or in combination with cable television to broadcast their meetings. The table below provides details on these ten jurisdictions:

Jurisdiction	Population	Cable Broadcast	Video Stream	Archives
Stafford	128,961	Live/Playback	Live/Playback	X
Roanoke	92,376	Live/Playback	Playback	X
Montgomery	94,392	Playback	Playback	X
James City	67,009	Live/Playback	Playback	X
Charlottesville	43,475	Live/Playback	Live/Playback	X
Louisa	33,158	N/A	Playback	X
Henrico	306,935	N/A	Playback	X
Loudoun	312,311	Playback	Playback	X

Fairfax	1,081,726	Live/Playback	Playback	X
Prince William	402,002	N/A	Playback	X

All ten localities provide a “video-on-demand” service. “Video-on-demand” includes the live video and/or the ability to view recorded meetings “on demand.” Seven of the ten localities used cable broadcast capabilities prior to initiating video streaming. Having the cable franchise in place beforehand helped reduce the initial costs for the video streaming service with regard to equipment purchase, staff training, and other operational requirements.

The ten localities procure outside services with a range of costs to provide full video streaming capability to their website users. There doesn’t seem to be a favored service provider. The most expensive services provide a function that connects specific agenda items to the appropriate video section. This feature allows viewers to fast forward or skip entire sections and thereby view only the agenda items they prefer. Currently the County is using a Board agenda system developed with in-house resources that could work in combination with either of the video streaming systems described below.

The following information provides several cost options to give the Board an idea of the magnitude of the expense associated with this service. (Costs are approximate and would need to be further defined based on direction provided by the Board):

- Granicus
 - \$ 8,175.00 onetime start up cost for software
 - \$ 500.00 onetime purchase of cameras (three portable cameras)
 - \$ 13,920.00 annual recurring cost
 - Staff resources – This service would require staff training and resources during the meeting to video the proceedings and after the meeting to post the video online
- Peg Central/Leightronix
 - \$ 18,778.00 onetime start up cost for software (includes three portable cameras)
 - \$ 4,700.00 annual recurring cost
 - Staff resources – This service would require staff training and resources during the meeting to video the proceedings and after the meeting to post the video online

Both options provide three portable cameras. Typically, one camera is set up facing the audience, one camera is set up facing the Board, and the third camera is either set up facing the Board to provide a larger view of the Board, or it is used as a back-up if one of the first two cameras fail. While the exact staffing impact is difficult to calculate precisely due to unknown length of Board meetings, at a minimum, one person who is knowledgeable in operating video equipment would be responsible to be present at the Board meeting to assure the cameras are operating correctly, to switch the video stream view to capture the speakers and the overhead presentations, and to assure that the video stream is going out. In addition, that person would spend approximately one hour prior to the Board meeting to set up the equipment, and approximately one hour after the Board meeting to dismantle the equipment. Time would also be required after each meeting to post the video on the County website.

The cameras are portable, which would allow video streaming to be used for other meetings in the County Office Building. However, there may be additional fees associated with those uses. Currently there is no funding allocated for video streaming Board meetings and there are no staff resources currently identified to assume those additional responsibilities. Staff considered the use of volunteers, but recommends against that due to the need for a reliable, consistent resource to ensure the timely and professional delivery of the service. All of the localities that staff researched are using staff or cable company resources to run the cameras and provide post-processing services. A new staffing resource would need to be identified to handle the new responsibilities that would be created by video streaming.

The budget impact of this item would depend on the option that the Board is interested in pursuing as set forth above. There would be start up costs which would impact the operating budget, and the staffing impact would depend on the level of service desired by the Board.

Staff recommends that the Board consider the information provided and provide staff further guidance regarding the video streaming of Board meetings. If the Board is interested in pursuing video streaming, staff recommends that the Board direct staff to proceed with researching the best possible video-on-demand system and include the project as a new initiative in the upcoming operating budget process.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, said she, along with Mike Culp and Mike Brown from the Information Technology Department, would like to provide information to the Board about video-streaming Board meetings. She said several meetings ago, Board members inquired about the possibility of video-streaming Board meetings. She stated that staff looked at podcast trends to evaluate how many people are following Board meetings online, and learned that those numbers have grown exponentially. She stated that chunking the agenda into specific topics, which made it easier for people to find the topic they were interested in, accelerated the usage, and that is an important concept to remember in thinking about video-streaming.

Mr. Boyd asked if staff had the ability to track individual IP addresses to determine if these hits are the same people over and over, and said it might be interesting to see how many people are really using this service as opposed to how many hits the County is getting.

Ms. Catlin responded that staff could look into Mr. Boyd's question. She said they also looked into what's happening in peer localities and, of the 16 localities polled, six are not video-streaming at all and the remaining 10 localities are video-streaming either alone or in combination with cable TV to broadcast meetings. Ms. Catlin said that these ten localities also provide video-on-demand so the public has the ability to go back and look at archived records of different video. She stated that seven of the 10 localities had cable broadcasting systems in place before video streaming started, which cut down substantially on the investment a locality had to make. She said there are a number of outside services that these localities are procuring to help them produce and provide full video-streaming capability, and there is not one specific provider. She added that there is one provider which is used by the City and some other localities and another one being used by Louisa County. Ms. Catlin stated that the most expensive services provide a function where one would build an agenda as part of the whole video-streaming software whereby the agenda and video are linked seamlessly throughout, but Albemarle County currently has an in-house agenda-building program that exists which could be integrated, to some extent, with chunking of the video for these other services.

Ms. Catlin reported that the two examples provided for comparison include Granicus, which is a top-of-the-line type of system with a one-time start up cost that includes software and equipment to include three portable cameras, and an annual recurring cost that varies depending on what type of service is used. Ms. Catlin said the cameras are portable, which would allow video streaming in other rooms; however, she said caution must be taken to stay within licensing limitations. She stated that all localities polled have either a staff resource or an outside paid resource. She pointed out that, in order to provide a consistent, reliable service, it is very difficult to rely on volunteers as a meeting can run longer than expected or a special meeting might be called, so a dedicated resource is recommended.

Mr. Rooker asked if there was any estimate on the cost to have a videographer not only at the meetings but after meetings to post the video on line.

Ms. Catlin said that it's hard to quantify, but for today's meeting for example, a staff person would have been needed to be on location by 8:00 a.m. to set up, stay through the course of the meeting and then take down the equipment at the end of the meeting, in addition to the time required to put the video online.

Ms. Catlin stated that staff's recommendation is for the Board to look at the information and, if it is something they wish to pursue, they should instruct staff to research the best possible video-on-demand at the most cost effective price and add that to the CIP evaluation process so that Board members can see that project in comparison to other IT projects.

Mr. Foley said this request would fall under the CIP requirements so it would be an operating budget item that would come before the Board.

Ms. Mallek stated that there would be an up-front investment of equipment which could total \$25,000 for the first year, and that figure does not include staff costs.

Ms. Catlin responded that the cost could potentially be, using approximately \$20 per hour for 10 hours for example, in the neighborhood of \$300 per meeting and this would naturally depend on the length of meetings, number of meetings in a month, etc.

Ms. Catlin stated that many peer communities are providing this service, and the advantage that many of these have is that they had a cable program already in place so the equipment investment and staff resource is already part of the expenditure. Ms. Catlin said staff knows this would provide value to citizens and would be a good service, but realistically it takes a commitment of dollars and staff resources, both of which are currently in short supply. She pointed out that Charlottesville Tomorrow already provides audio-streaming of portions of Board meetings, and that process is a relatively easy and inexpensive way to provide real-time audio-streaming of Board meetings.

Mr. Boyd asked if the Clerk could do the audio part.

Ms. Catlin replied that the audio is already being captured, so it is not difficult to do.

Mr. Foley said one of the challenges in putting this report together is not knowing what the Board wanted to accomplish, whether that be live streaming or audio or video recording.

Mr. Boyd stated that the personnel cost is the big expense.

Mr. Culp said that u-streaming, which is being used by Charlottesville Tomorrow, is ad-supported, so when a user listens to their audio, they are seeing ads pop up, therefore, the County would most likely prefer to invest in a non-ad supported stream so it could be posted to the County website without advertising. He stated that the chunking would not be possible, only a live stream, and a product like Granicus would allow people to target specific agenda items.

Mr. Rooker said chunking would be necessary, or the service would be almost worthless.

Mr. Boyd said the County is already doing chunking, and asked if that would be something existing personnel could do to put it out online.

Mr. Culp said the archival part is where a lot of the expense comes in.

Mr. Boyd asked, if the County only did the audio part, and since the County is already doing chunking, is it just a matter of back office type work that is needed in order to provide the real time audio on the internet. He said it is a good service what Charlottesville Tomorrow does, however, the County does not expect them to be responsible for this on a regular basis.

Mr. Culp agreed.

Mr. Rooker stated that, as long as Charlottesville Tomorrow is providing that service, there is no need to duplicate the service but added that it is good for the community to have real time access to meetings. He said he uses this sometime with City Council meetings, and the great advantage to chunking is not having to wait for any length of time until a particular item comes up.

Ms. Catlin said the concern is, if people get used to the Charlottesville Tomorrow service but, for whatever reason, they do not attend every meeting, she felt the County would need to take ownership if this service is to be reliable and consistent for citizens.

Mr. Boyd asked if the School Board has expressed any interest in audio/video streaming of their meetings.

Mr. Culp replied that if the streaming is set up, he felt sure the School Board would want to use it. He also said that staff may be able to set up a live video-stream at that same cost, although there wouldn't be chunking. A camera or two would be required though.

Ms. Catlin pointed out that it's hard to use one camera and provide a full sense of the meeting, particularly without good oversight. She said, in a room like the Auditorium, it is difficult for one camera to provide a sense of what is going on. She pointed out that peer communities have said, if they were going to offer that service, they wanted to achieve a basic level of quality.

Mr. Boyd asked if the audio piece is something that could be added to the Clerk's duties during the meeting.

Ms. Catlin responded that it's not something that would be burdensome to the Clerk, as Mr. Culp has described it, and staff would want to ensure that didn't happen.

Mr. Snow stated that the Board is interested, and maybe staff could provide some figures as to audio streaming, and video streaming, so that they could do some cost comparisons.

Mr. Foley said staff could put that together, but wants to be sure what the Board is interested in seeing.

Mr. Rooker stated that he wasn't interested in the video-streaming if there is a significant cost involved. He said most communities who have video-streaming have a cable company that provides that service as part of the franchise deal. He said, for the cost, he prefers audio-streaming.

Ms. Catlin said staff would come back to the Board with the cost of audio-streaming in terms of equipment and staff time.

Agenda Item No. 11. Review of Solid Waste Service Options (**postponed from earlier**).

The executive summary states that In October 2010, the Board reviewed options for solid waste services based on information provided by staff. The Board reviewed service level options and costs and decided to maintain the current level of service through short term agreements with the Rivanna Solid Waste Authority (RWSA). The County currently provides a support payment to the Authority to cover any operating deficits after revenues are considered. This action was taken after the City of Charlottesville advised RSWA and the County that they had no interest in continuing to receive services from RSWA's Ivy facility. At a December 2010 meeting, staff advised the Board that the City had expressed an interest in continuing to support recycling services provided by RSWA at the McIntire Recycling Facility. The Board established expectations for the service agreements to continue solid waste and recycling services and directed staff to work with RSWA staff to develop agreements to continue these services while long term options were considered.

In August 2011, the Board reviewed the RSWA support agreements for both the RSWA Ivy and McIntire Facilities (Attachments A and B) and authorized the County Executive to sign these agreements. While the agreements satisfied the Board expectations for services in the short term, questions remained as to whether or not RSWA could meet the County's long term needs within the current structure of a regional authority, recognizing that a regional body with City representatives would be involved in the decisions regarding a service provided solely to County residents. To address this concern, the Board directed staff to prepare a review of how future services might be provided following RSWA's consideration of the current Organizational Agreement. The RSWA Board conducted a review of the Organizational Agreement in early August and agreed to propose a change to the agreement to "allow" rather than "require" that RSWA provide services for the City and County. While this did not resolve the

County's long term direction, it did clarify that RSWA does not advocate to be the sole provider of solid waste services. The purpose of this agenda item is to seek Board direction on a preferred process for determining a long term strategy to meet the County's solid waste needs.

In considering long-term options for delivery of solid waste services, staff believes there are three options that the Board should consider:

- 1) Maintain a support agreement by which RSWA would continue to provide these services. The advantages of this option are that the RSWA has proven to be a cost effective service provider and is very experienced at providing these services at the Ivy facility. The disadvantages of this option are that the current Authority structure and the complexity of the service agreement make it difficult for the County to address long-term capital improvement requirements for services solely provided to County residents. For example, the current agreement is subject to 2 year periods and has non-appropriation clauses to avoid binding future Boards to this agreement. Both of those factors present a problem for RSWA financing major capital improvements. Similarly, the current RSWA Organizational Agreement makes it possible for the County representation on the RSWA Board to be a dissenting minority when RSWA adopts its annual budget. If the City representatives and the independent member of the RSWA Board included costs in the budget that the County found unacceptable, the County is left with the choice of either paying that cost or terminating the agreement. That would effectively leave the County with an ongoing short term agreement rather than a long-term solution to meet its solid waste needs.
- 2) Enter negotiations to either purchase or lease the part of the Ivy facility that provides the solid waste services and then either manage it with County employees or contract out the management to others. The advantages of this option are that the County assumes better financial control of its solid waste services and uses an existing facility rather than investing in a new facility. The disadvantages of this option are that the County has very little experience managing solid waste services and this would likely require a new permit from the Virginia Department of Environmental Quality (DEQ). The lack of experience could potentially be addressed by RSWA employees simply shifting to the County, however, the transfer of the operation to the County and the lease or purchase of the facility would be subject to approval by the RSWA Board. Additionally, with the potential of needing a new permit from DEQ, it is possible that an upgrade of the facility to meet current standards would be required. However, it is likely that an upgrade will be needed in any case to provide effective long term operations.
- 3) Identify a new location for constructing a transfer station and provide solid waste services independent of RSWA. The advantages of this option are that the County is no longer subject to the approval of the RSWA Board and the County can establish its own direction for providing long term solid waste services, including the financial planning and control of capital investments. This potential operation could be overseen by the Board of Supervisors through a County department or could be set up as an independent Authority similar to the Albemarle County Service Authority or as an additional responsibility of the Albemarle County Service Authority. The disadvantages of this option are that the County would need to undertake the often difficult and controversial siting of this new facility and the complexity of managing this new service. The management issue is very similar for options 2 and 3. Staff anticipates finding an acceptable location for a new facility would prove very controversial and the conditions to address concerns would increase the cost of services.

Staff has not fully evaluated each of these options and has concerns that the information above lacks the expertise to provide a reliable analysis, especially with respect to the costs and other issues that may be associated with options 2 or 3. For staff to fairly compare the above options and their costs and assure that significant issues are not overlooked, we believe contracting with a consultant experienced in solid waste services is necessary and prudent given the significance of establishing a long term direction. Staff anticipates this would be contracted as a professional service and that the scope of services would be adjusted through negotiations rather than requesting a simple quote for a predefined service.

While staff has not discussed these services with potential consultants, it is thought that the cost would likely be in the range of \$30-40,000 for a preliminary analysis adequate to provide the necessary information for the Board to effectively evaluate the options. The FY12 CIP appropriation to the RSWA for environmental services has been evaluated as a possible funding source. Based on past expenditures and anticipated services in the year ahead, staff believes that a portion of this amount could be shifted to a consultant contract while still meeting all obligations under the RSWA Environmental Support Agreement.

Staff recommends that the Board:

- 1) Direct staff to procure consulting services to evaluate the options as described above, as well as any other options.
- 2) Direct staff to prepare an appropriation request in an amount necessary for the consultant contract based on a negotiated scope of services.

Mr. Mark Graham, Director of Community Development, said his report is a follow-up to the Board's August meeting whereby they directed the County Executive to authorize and sign agreements with the Rivanna Solid Waste Authority (RSWA). He said one of the outcomes of that meeting was to consider a longer-term direction for the County on solid waste. He stated that this report outlines three approaches, one of which is what is being done now and the other two involve a much more active role for the County. The second approach would be to have the County effectively take over the services provided

at Ivy, and the third approach would be starting an entirely new service at a new location. Mr. Graham said staff learned very quickly that they needed some help with this beyond their in-house expertise, and he is seeking authorization to solicit services of a consultant and then coming back to the Board with an appropriation.

Ms. Mallek noted that one thing absent from this report is the renegotiation of the voting strength of the organization which would, in effect, erase some of the problems that are described in number one, including the dynamic of who is participating the most and paying most, but that same entity having fewer than half the votes. She asked if anything had been done on that to date.

Mr. Graham said there are some fundamental flaws in the way the organizations work, because it's only providing services for one member which is not how it was originally envisioned. He stated that he is not sure how to get around that, especially if the County gets into the issue of capital investments by the Authority. He added that the City is part of that Authority and is basically obligating itself to capital investment, and that is a tough situation from an organizational agreement issue to address.

Mr. Foley stated that the RSWA exists as a regional authority, but the service is not a regional service.

Mr. Boyd said the City has not been honoring their solid waste or recycling contract to the Authority, and it seems to be another area whereby the County is getting the shaft from the City again. He said the County originally stepped in to help the City and now the County has ended up with the problem.

Mr. Foley said the Authority would still exist for management of the old landfill and for joint recycling projects that are continued at some level, but the City has gone their own way on solid waste.

Mr. Boyd stated that the City is in violation of the contract, which stipulated the City would bring their trash to the Authority.

Mr. Davis clarified that the concept of the RSWA was that the Authority would be responsible for all the solid waste from the City and the County, and that's been deviated from over the years, but the agreement is a long-term one that can't be unilaterally changed, so the only way the organizational structure could be changed is through joint agreement of the City and County.

Mr. Boyd said he doesn't think the City would have a problem with the County assuming all the responsibility because they have been moving away from it for years, but his question is whether they should be allowed to do that.

Ms. Mallek stated that the County has to somehow sever the remediation section from everything else, because it is not fair for the County to take that on by itself. She said the amnesty day services that provide for junk disposal is desperately needed at least twice a year.

Mr. Graham noted that those special days are funded separately by the City and the County, based on use per number of vehicles. He said that from a use versus population perspective, the localities were roughly the same.

Mr. Boyd said if the City were still bringing trash to the landfill, the County wouldn't be in this situation. They have created this situation by gradually drifting away from bringing their solid waste to that facility.

Mr. Rooker asked what the price difference between what they are paying right now versus using the Ivy landfill.

Mr. Davis said that, when the Authority was set up, all the solid waste was being handled at Ivy and it was a landfill not a transfer station. He said that after the landfill was closed for solid waste and commercial debris, there was no longer a money source to operate a landfill, so the nature of the operation has changed pretty dramatically from the time the Authority was formed. Mr. Davis stated that a change in the organizational structure needs to be considered, but it is complicated because the RSWA owns the landfill which is a liability and has a long-term maintenance plan associated with it. He said the County and City share responsibility for that liability even though the Authority owns the property. He said that the second part is the issue which is before the Board today, and that is how to deal with the other solid waste collection activities, recycling and other things that have become the responsibility of the localities even though the Authority originally was set up to deal with those responsibilities.

Mr. Boyd asked if the landfill was originally owned by the City.

Mr. Graham responded that it was originally owned by the County and then given to the City.

Mr. Davis clarified that it was owned by the County, operated by the City, and eventually went to the Authority.

Mr. Graham pointed out that the organizational agreement anticipated that there would always be landfills that would be managed by the Authority, which was expected to generate the revenues needed to run the operation. He said that is no longer the case and that is the reason that the City has elected to go their own way.

Mr. Foley said to simplify the situation, it is the transfer operation for people bringing solid waste and dumping it into a bin to be hauled off, and there are agreements in place to continue to do recycling together through McIntire, but the City has gone their own way in collection and hauling off of waste, so the question is whether the County wants to continue to do it there under the current structure, under a lease or purchase of the site, or go somewhere completely different just for that one component of the operation. Mr. Foley said that the Authority that met in a strategic session a few months ago is going to propose to both localities that the language be changed so it doesn't require both localities do their entire solid waste disposal at that Authority, and would recommend that it be an option, not a mandate. Regarding the future of the County's solid waste collection and disposal, he emphasized that the County relies on private haulers to do most of the collection and disposal, but it is offered to small businesses in a limited way, which is the service staff is trying to manage long-term.

Mr. Boyd said the County could require all trash haulers to take their trash to the Ivy landfill, which could make the volume enough for it to pay for itself.

Mr. Foley stated that, in the August work session, the Board was comfortable with the current level of service, but the County could certainly make that requirement, which would be a very dramatic shift.

Mr. Snow said that requirement would be getting back into the trash business in a significant way. He stated that some of his business constituents have expressed concern about not having a place to dump their trash, and they either have a private hauler take it or they dispose of it in a ditch. He said it might make more sense to set up a dumpster farm at three or four locations throughout the County that is hauled on a regular basis and get out of the landfill business.

Mr. Dorrier said that suggestion was considered in the 1970's and was voted down.

Ms. Mallek said if the County doesn't provide access, it will be Rio Mills all over the place where there are, for example, couches and lawn mowers and washing machines heaved down a bank.

Mr. Foley said that in the report today, staff has recommended having a consultant come in and provide different options with associated costs related to the collection and hauling away of waste.

Ms. Mallek mentioned the possibility of having multiple transfer stations with small recycling bins, comingling bins and trash bins at these places. She said the Crozet residents have been asking for this for years.

Mr. Foley stated that the consultants that work in this business have done these studies for a number of localities, and they could provide a range of alternatives that include multiple siting, but he emphasized that the community would come out on that option.

Mr. Boyd said the multiple location option was discussed at Rivanna, but the problem with unmanned locations is that you get the wrong stuff at the wrong place and it becomes a huge mess.

Mr. Foley stated that those types of transfer stations would be better if they were manned.

Ms. Mallek said that Nelson County and Louisa County do not have their stations manned all the time, and stated that she is reluctant to go through another expensive study when there has been an effort already that didn't go anywhere. She asked if that work could be revived as a cost savings effort.

Mr. Boyd responded that he has seen that report and, because it was done on a regional basis with a much larger scope, the study was too broad and did not contain a conclusion.

Ms. Mallek said the conclusion at the last public meeting was that everybody thought taking care of their own trash was definitely the best long-range solution because there would be no wasting of fuel or sending something to somebody's else's backyard and there would be some energy savings out of it.

Mr. Rooker said it changes the game somewhat when there is a hauler out there doing a single-stream approach and providing a service that a lot of haulers want to use.

Ms. Mallek responded that the County could require private haulers to take the co-mingled recyclables in a clear plastic bag separate from the trash, which would go straight into the recycle-only line at VanderLinde's. She pointed out that there would be a far higher percentage of usable recyclables than what is happening now, which is about 22% of what is actually getting there.

Mr. Boyd said he used to separate out his recycling, but was told by his haulers that the trash would all go into the same truck anyway.

Mr. Foley stated that this is one of those issues that has many variations and said it would benefit the Board to have a study done. He said the scope of the previous work was very different than what staff would have to do for long term needs. He suggested that staff come back with a more defined approach prior to engaging a consultant. The consultant could even evaluate current ordinances and look at the options that might involve some mandating.

Mr. Boyd asked if the County could put out an RFP to see what costs would be.

Mr. Foley said this is pretty boilerplate kind of work for localities, and offered to have staff put together a scope of work which could then be brought back to the Board for input prior to issuing an RFP.

Mr. Rooker asked if there was any reason why there couldn't be a support agreement with RSWA that segregates out certain things that the County is contracting for and has total control over, pursuant to that contract. It wouldn't alter the basic agreement, but simply set up a separate agreement. The Board could then decide on how the County wants to invest in that contract or not invest in that contract working through RSWA, assuming RSWA agrees.

Mr. Davis said that's what the County is really doing now, and explained that the only thing driving this is the need for long-term investment to be made in the facilities and the nature of the agreement doesn't guarantee that the County would be able to continue to do what it's planning to do.

Mr. Rooker said that's why he suggested having a separate agreement between RSWA and the County whereby the County provides, through fees, some money to make capital improvements that are usable with respect to services they want to contract for.

Mr. Davis said the County could do that to the extent that this Board can't bind future boards to that long-term obligation, and the RSWA can't assure this Board of a long-term obligation, so it would essentially be a year to year arrangement with a long-term plan. He stated that the Board would be taking some risk in making an expensive long-term investment into a plan that is subject to be changed.

Mr. Foley added that agreement would always be voted on by two City Council members and an appointee.

Mr. Boyd said that's what bothers him. He pointed out that, when he first went on the Rivanna Board, there was a \$3 million plan to modernize the transfer facility, and that has not been done, but since that time, about \$80,000-\$90,000 has been spent on repairs to existing equipment. He stated that they are sitting on a \$2 million reserve, and Mr. Graham indicated it was now over \$3 million. Mr. Boyd said the County should be clear that it's acceptable for the City to get out of their contract, but those reserves would stay with the Authority to upgrade the facility.

Mr. Graham said that the City has already expressed an interest in holding those reserves for possible environmental costs in the future.

Mr. Foley said this is where things will remain if there is a County service being overseen by a regional board, and the Board will find itself constantly involved in this type of debate until they break away from this governing structure.

Mr. Rooker asked if Mr. Foley felt Option Two was the better option.

Mr. Foley stated that if the County wants to stay with and invest in the current site then a lease of or purchase of that site would allow the County to govern the operation rather than having the Authority govern the operation.

Mr. Rooker asked how the site could be taken over without taking on environmental responsibilities

Mr. Foley responded that those are the types of issues that would need to be evaluated by a consultant.

Mr. Snow asked what those costs jointly per year are now.

Mr. Graham said there is no "jointly" and, on the operations side, the Rivanna services from Ivy are running a projected deficit of about \$410,000 which is what the County is funding into Rivanna in the current fiscal year. He said that amount includes the recycling.

Mr. Snow asked how much tonnage is coming into that site.

Mr. Graham replied that there are different types of tonnage, which is an important point as Rivanna doesn't just provide a garbage transfer station, it provides disposal for a lot of other substances such as vegetative waste, inert material, demolition debris, white goods, oil, anti-freeze, etc. and there is no other location in the area where those materials can be taken. He said the City has private contractors to handle these types of items.

Mr. Foley said the City is prepared not to provide that service or to provide it in another way.

Mr. Rooker said there is a presumption that the County should keep providing services because people won't pay for their own disposal.

Ms. Mallek said the haulers in the western part of the County use Ivy, and added that the extra mileage to go to Fluvanna is what those haulers are very concerned about.

Mr. Rooker stated that most haulers he has talked with are going to Van der Linde now and, if the County gets out of the garbage business, it then will be up to each individual or business to find a disposal method.

Mr. Snow said, if that ends up being the case, the potential exists for those people to dump their waste on the side of the road, and he agrees with Mr. Graham that the County should seek outside input on services and prices.

Mr. Rooker said he would like staff to look at the second option, which would involve leasing the site, however, there could be a lot of liability issues.

Mr. Davis said, with Option 2, it is possible the County would be required to seek a new permit, and there are lots of issues wrapped around that.

Mr. Foley said the only option that wouldn't require a new permit is if the County stays under the current arrangement, which is governed by a regional body, but a consultant could tell the Board what the obstacles are, what the costs would be and if there is any possibility with a facility that is currently operated that would be any different in the permitting process. He felt that expert advice is needed.

Mr. Rooker commented that it's a bit of a catch-22 situation because Option 1 would limit the County in getting anything beyond a one-year binding agreement.

Mr. Davis noted that there is risk in a long-term financial commitment.

Mr. Foley said there needs to be a regional discussion on what the rates should be to offset the County's debt service. He stated that the County tried to propose a fee a few months ago but the City representatives disagreed with that proposal and the end result was a lower fee, which was a fee to charge City residents to use this facility. He added that the City was able to override the County in wanting to charge a higher fee, a reality the Board will have to deal with every time it talks about an operating budget or debt service payment.

Mr. Boyd stated that the County can't take all the liability of operating the facility without having definite control over expenses and income.

Mr. Rooker stated that getting out of that obligation requires an agreement with the partner about the terms under which it unwinds.

Mr. Boyd added that it also includes the disposition of the \$3 million reserve.

Mr. Graham said that the heart of the problem is that none of the alternatives are attractive, and all have big negatives to them, which is why a consultant is needed to evaluate risks and costs of each alternative.

Mr. Boyd stated that there could be a day when that facility will be closed down because the equipment is no longer functioning.

Mr. Foley agreed that it is a timely decision, and the Board has identified that issue in its strategic plan.

Mr. Rooker said the issue is the County doesn't have the power to make the decision without agreement from the City as a partner. He stated that, unless the Board is willing to say everyone has to take their trash to another facility, then the County will have to find another location for a new transfer facility.

Mr. Foley asked if staff should assume the Board wants to provide a minimal level of service comparable to what it currently has, however, he said the Board does not have to do that. He added that Option 3 is the County's 'clean break.' The disposition of the \$3 million still remains an issue; however, the County could go its own way and not have to deal with that, but there is the issue of what that would cost.

Mr. Graham agreed, and said finding a new location is always a controversial exercise, in addition to requiring all haulers in the County to haul to the new facility which the County just spent \$3 million building, and that would also be controversial. He pointed out that is not an easy thing to do.

Mr. Rooker said option 2 is probably the most viable, but agreement would still be required from the City and a consultant can't really accomplish that. He said, at the end of the day, he doesn't want to spend \$30,000 to \$40,000 on a consultant which would possibly delay the decision. He said that option 3 would require the County to find a new transfer site and would require haulers to dump at the new site, and he doesn't think this Board would go that route.

Mr. Foley responded that there wouldn't necessarily need to be a mandate. If there is a mandate, a much bigger facility would be needed. Those are the variations where staff would need some analysis.

Mr. Graham said, if the County were to create a separate authority to manage the new facility, that authority would need to create a certain level of revenue.

Mr. Foley stated that currently the County is guaranteeing that level of service at about \$350,000-\$400,000 a year, which is a really good deal for localities in Virginia. He said that there's potential to provide the service. The facility is operating right now and is putting nothing away for capital. The first time that facility has a breakdown, the City won't be paying for any of that cost; so \$300,000 to \$400,000 is

really not the County's cost; that cost is going to go up one way or another so that analysis is going to tell staff the real cost of operating a facility at certain levels of service.

Mr. Boyd suggested the Board consider asking the City if they would like to walk away from the facility, which is the direction they have been moving in for some time, and allow the County to go its own way on it.

Mr. Davis said the County would have to deal with the liability of the existing landfill, which would not be ideal for a new authority to take on.

Mr. Boyd said the new authority does not have to necessarily take over the landfill as part of the assets.

Mr. Foley stated that the liability on that piece of ground isn't the liability that exists on the rest of that site, which is landfill cells, but finding out what liability there is and the challenges of getting a permit must be analyzed in order to move forward.

Mr. Graham said that a consultant could provide an assessment of cost and risk for each one of the options and, although staff has some gut feeling about how it might work best, they really need assistance in getting a thorough assessment for the Board's consideration.

Mr. Dorrier asked why the report from the 1970s couldn't be brought back up.

Mr. Foley responded that all regulations changed for landfills in 1981.

Mr. Graham said the 1970s study would be a great starting point, as it addresses many of the same issues.

Mr. Foley said that staff had enough to move forward and will come back to the Board with a scope of work from which to we move forward to issuing an RFP.

**Agenda Item No.12. Albemarle County Environmental Stewardship Strategic Plan
(postponed from earlier).**

The executive summary states that at the September 7, 2011 Board meeting, the Board unanimously approved the recommendations in the Local Climate Action Planning Process (LCAPP) Report (Attachment A). The Board also rescinded the Resolution supporting the Cool Counties Climate Stabilization Declaration and directed staff to create new programmatic goals guided by the LCAPP Report and tailored to the specific needs of Albemarle County. With that guidance, staff utilized the LCAPP Report to develop a draft "Albemarle County Environmental Stewardship Strategic Plan" (The Plan) (Attachment B) for Board consideration.

The Plan begins with vision and mission statements that have been adapted from the LCAPP Report's Recommended Principles. The five principles contained in the LCAPP Report are used to create the following Vision and Mission statements:

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

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

The Goals and Objectives have been created using the LCAPP Five-Part Framework action strategies and include internal and external components. All goals and objectives are voluntary efforts and do not contain any mandates or regulatory actions. Staff has included in this summary the Goals and a few condensed objectives.

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

Objective 1.1: Pursuit of Energy Management and Conservation in County owned facilities. This objective includes a target of 40% total energy reduction by 2017 from the baseline year of 2005.

Objective 1.2: Supporting Governor McDonnell's 2010 Virginia Energy Plan to reduce electricity demand in the Commonwealth by 10% by 2022 through conservation and efficiency.

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

Objective 2.1: Reduce fuel consumption in County owned vehicles by 20% by fiscal year 2017 and by 2020 have 25% of fleet operating on alternative fuels.

Objective 2.3: Encourage fuel reduction within the community and promote alternatives and options for the community to reduce fuel usage.

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

Objective 3.1: Decrease the volume of materials generated by the County and sent to landfill by 2% each year for 10 years.

Objective 3.2: Increase awareness and opportunities within the community to increase the recycling rate in Albemarle County.

If the Vision and Mission statements and the Goals and Objectives meet the Board's approval, staff will immediately begin to develop an action plan to be completed and in place for Fiscal Year 2013.

Staff will provide biennial progress reports to the Board of Supervisors.

All funds to support the Plan would be submitted for approval each fiscal year as part of the General Services Operating and CIP budgets after action plans have been developed. The Plan will be clearly identified for Board review and enable the opportunity for discussion during the budget process.

Staff recommends that the Board: 1) approve the proposed "Albemarle County Environmental Stewardship Strategic Plan"; and 2) direct staff to develop an action plan for FY 2013.

Mr. Andy Lowe addressed the Board and stated that his report is a continuation of a conversation held in June and September, in which Cool Counties was the initiative for greenhouse gas emissions with a goal of 80% reduction by the year 2050. He said that, at the September meeting, staff brought the local climate action planning process forward, which was a local steering committee-derived report that presented some objectives, goals, recommendations and principles. Mr. Lowe stated that the Board voted unanimously for the LCAPP final report and asked staff to come up with some goals and targets based on that LCAPP report in rescinding the Cool Counties resolution. He said staff put together a strategic plan with a mission, vision, three goals, and three objectives within each goal based on some of the components from the climate action plan process. Mr. Lowe said, if this meets with Board approval, staff would move forward with implementation for FY2013 and beyond with an actual plan associated with the goals and objectives. He stated that their goals are based on energy reductions in buildings, transportation-related fuel reductions and some waste management reductions.

Ms. Mallek said she really liked the way the plan was put together and the way it referenced statewide goals as well as local initiatives.

Mr. Boyd stated that the reason he liked the LCAPP approach is that it was more market-driven, as opposed to legislative-driven, and his idea was to remove legislative requirements. He also said that he thinks measuring this in CO₂e emissions would be difficult to calculate outside of the scientific community, and energy efficiency, reduced energy use and more recycling would be more understandable. Mr. Boyd said that if it is cost effective and market driven, such as the LEAP program, it would accomplish the goals without instituting requirements. He said he would like to see that put into the action plan in clearer terms.

Ms. Mallek said there were no legislative requirements, even in the documents that were discarded.

Mr. Boyd said that the plan included a reference to Comprehensive Plan changes.

Ms. Mallek said that the Comp Plan is full of encouragement, but does not make requirements of citizens.

Mr. Boyd commented that all of the discussions related to carbon footprint is unsettled science, but said it is easy to see the benefits of using fuel-efficient vehicles and cutting power bills.

Ms. Mallek said that energy-based decisions and energy reductions are referenced in the strategic plan, so it seems to have accomplished that.

Mr. Boyd said the plan references reducing carbon footprint.

Mr. Foley said that Attachment B is the guiding document that staff is proposing.

Mr. Rooker said the document is similar to the goals set forth in the summary.

Mr. Snow stated that, in reading the objectives and the steps to achieve those goals, it all seems quite logical.

Mr. Rooker asked how this would allow participation in LCAPP in a meaningful way because it's important to look at some of these initiatives on a community-wide basis and not just what county government is doing with its facilities. He added that there seems to be a paranoia about using the term carbon footprint.

Mr. Boyd said it's not paranoia, it's how one measures carbon footprint.

Mr. Rooker said there is a pretty reasonable measurement tool available online from the scientific community, and LCAPP agreed upon the measuring tools to use, and he wants to make sure the document looks outward.

Mr. Boyd stated that he is not sure that recommendations such as asking employers to reduce fuel consumption is something that local government should be doing.

Ms. Mallek said the County could show the success that others have achieved so they might adopt those measures, and that's what LEAP is doing.

Mr. Foley stated that the foundation for the County approach is LCAPP, and LCAPP is based on all voluntary measures. It sets a framework for the County to then work toward moving in that direction.

Mr. Boyd asked, if an action plan is developed, what kinds of things should he expect to see.

Mr. Lowe said Objective 1 is always looking inward, or leading by example. An example is the energy management plan whereby the County works to reduce the waste the County produces as far as its means of business. Another example is the education component which teams with LEAP to provide information to citizens. Regarding the green award the County received, the County got 20 points for its efforts in the Go-Green Business Challenge because the County's Economic Development staff and General Service staff helped with that encouragement for businesses. One hundred local businesses signed on to that challenge and there was enthusiasm from those businesses about the information they received and that is the type of information distribution that may be needed either at the residential level or at the commercial level. It is that education outreach component that will help the County reach Goals 2 and 3 which are the community focus goals.

Mr. Foley pointed out that there are good examples in Objective 2.3 that outline the kinds of things staff would build an action plan around, adding that these are not new or earth-shattering, but are things the County has participated in and also been recognized for in the past.

Ms. Mallek said this ties in directly with the County's economic vitality efforts. She said it was mentioned at a recent innovation meeting that this the best way to grow the local economy is to encourage citizens to buy from their neighbors. She added that selecting local goods and services is a great way to reduce energy consumption without even trying.

Mr. Boyd stated that, at the agribusiness roundtable yesterday, everyone agreed that being energy efficient, buying local, etc., was important, but one member said 'this is why we've got to have government,' and Mr. Boyd didn't understand why that was necessary.

Mr. Lowe said the County is just a partner within this structure. He said the County can certainly help but is not there to force those purchasing requirements on any of those entities. He stated that the County's own purchasing agreements could lean toward local goods and services, but it can't dictate that it must be that way.

Mr. Rooker stated that the County should want to lead by example, lead by showing a light in the community in these areas of the environment, and if the County does not do that, the possibility exists of chasing business away. He emphasized that young businesses of the future want to be in a cool place.

Mr. Boyd said he didn't understand why government had to always be the leader, when the community itself could be the leader.

Mr. Rooker agreed, and said he didn't understand the difference in nomenclature going on here.

Ms. Mallek said she thinks it's wonderful that the County is associating itself with this idea, because it certainly plays into decisions made about location and relocation.

Mr. Foley stated that adoption of the Environmental Stewardship Strategic Plan would be another effort that sets direction about the County.

Ms. Mallek asked if this would be incorporated into the Comp Plan in some way.

Mr. Lowe noted that the plan could be used, but it's specifically a General Services environmental management strategic plan; it's their action plan.

Mr. Foley said it is a statement of Albemarle County, a statement of the Board, about the importance of environmental stewardship and some of the things staff is doing to push it forward. He noted that the foundation of this plan is already in the Comp Plan to some degree.

Motion was offered by Mr. Snow to approve the Environmental Strategic Plan as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Thomas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agenda Item No. 8.8. Equal Rights Amendment (**deferred from earlier**).

Ms. Mallek noted that this is the same document the Board voted on last year.

Mr. Snow asked to have this item pulled because, even though he is for equal rights for women, he read that if there were a national Equal Rights Amendment that someone could require women to be drafted into the military. He wanted to go on record that he was opposed to that particular statement in the amendment.

Mr. Rooker said there are women serving in the armed forces now.

Mr. Snow said he supports that if it's a woman's choice, but he doesn't think women should be drafted through a national draft.

Motion was entered by Ms. Mallek to adopt the Equal Rights Amendment resolution as presented. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Snow.

ABSENT: Mr. Thomas.

RESOLUTION: EQUAL RIGHTS AMENDMENT (ERA)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agenda Item No. 22. From the Board: Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 23. Adjourn to November 9, 2011, 4:00 p.m., Room 241.

At 4:20 p.m., **motion** was offered by Ms. Mallek to adjourn the Board meeting to November 9, 2011 at 4:00 p.m. in Room 241. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Thomas.

Chairman

Approved by Board
Date: 03/07/2012
Initials: EWJ