

An afternoon-adjourned meeting and a regular night meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 11, 2015. The afternoon-adjourned meeting was held at 5:00 p.m. The meeting was adjourned from February 10, 2015. The regular night meeting was held at 6:00 p.m., with both meetings being held in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel and Ms. Liz A. Palmer.

ABSENT: Mr. Brad L. Sheffield.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 4:48 p.m. by the Chair, Ms. Dittmar.

Agenda Item No. 2. Closed Meeting.

At 4:48 p.m., Ms. McKeel **moved** 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 in which there are pending vacancies or requests for reappointments, and to consider the appointment of the Economic Development Director; under Subsection (7) to consult with or be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of easements on the County Office Building property; and under Subsection (7) to consult with legal counsel and staff regarding pending litigation concerning a Glenmore tax assessment for real property, because a public discussion would adversely affect the litigating posture of the County. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 3. Certify Closed Meeting.

At 6:11 p.m., the Board reconvened into open meeting, and Ms. McKeel **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 4. Appointments.

Ms. Palmer **moved** to make the following appointments:

- appoint Ms. Sherry Rose to the JAUNT Board, with said term to expire on September 30, 2017; and
- appoint Ms. Lesley Hamilton to the Long-Range Solid Waste Solutions Advisory Committee, with said term to expire on November 30, 2015.

Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 5. Pledge of Allegiance.

Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. Adoption of Final Agenda.

Ms. McKeel **moved** to adopt the final agenda as presented. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 8. Brief Announcements by Board Members.

Ms. McKeel announced that she would be holding a neighborhood open house to discuss the Best Buy Ramp project on Thursday, February 12, 2015, 7:00 p.m. – 9:00 p.m., at the Meadows Presbyterian Church on Angus Road. She encouraged anyone who is interested to attend.

Ms. Mallek announced that the Local Energy Alliance Program (LEAP) would be selling carbon credits in honor of special friends and loved ones on Valentine's Day. The credits can be purchased from LEAP's office for \$25.

Ms. Dittmar announced that the Town of Scottsville is kicking off a commemoration of Sheridan's occupation of Albemarle County during the end of the Civil War. They will march down Route 20 South into other areas that were involved in the war. She said that this will take place in early March. The town is very excited about all of the sesquicentennial activities planned.

Ms. Palmer encouraged everyone to take advantage of UVA's Reusable Office Supply Exchange (R.O.S.E.) Program. There is an online listing of types of reusable office supplies that UVA stocks, and it is free to anyone from the community to take whatever they can use – which is especially valuable for K-12 teachers and students.

Agenda Item No. 9. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Palmer said that there are 20 people signed up, so each person will have two minutes to speak.

Mr. Spencer Gay of the Jack Jouett District addressed the Board, urging the Board not to delay construction of the interchange Rio Road. He stated that it would be a foolish move, as the County may lose the money and the ability to help traffic move on Route 29. Mr. Gay said that he would like to see the local traffic stay on local roads, and through traffic stay on a U.S. highway.

Ms. Evelyn Edson of the Scottsville District addressed the Board, stating that she is the President of the Scottsville Museum and noting that they are planning a series of events for early March. Ms. Edson said that the Civil War came to Scottsville in 1865, when General Sheridan, after defeating Early's army in the Shenandoah Valley, marched along the James River down Valley Street, which is Route 20. She said that there was an invasion, fire, looting and destruction in Scottsville. This event will be co-sponsored by the Town of Scottsville. Ms. Edson stated that they will have reenactors from the U.S. Calvary regiment, which were involved in the raid. She stated that the target in Scottsville was the canal, as well as supplies, livestock, and so forth. She presented pictures of troops setting off along the canal at the beginning of the Civil War. Ms. Edson said that the history-mobile, which is the Virginia Sesquicentennial traveling museum, will be coming to Scottsville on March 6th through 8th, and will be at the shopping center. She stated that they would like support from the Board and the public, and would also like financial support.

Mr. Bob Crytzer of the Rio District addressed the Board, commending Ms. Dittmar for setting the tone at their February 4 meeting for a civil, efficient hearing on an emotional topic. He stated that he hopes that will continue at this meeting also, so there can be a meaningful and respectful discussion of Mr. Boyd's motion to study the impact of the interchange on homes, businesses and traffic. Mr. Crytzer said that the main reason he heard from Supervisors last week for the grade-separated interchange was fear of losing money from VDOT. VDOT had threatened to withdraw funding for other improvements a few years earlier if the Western Bypass was not approved, and the money was still on the table. He noted that VDOT had also told City of Charlottesville officials that they had to build a giant cloverleaf for the Meadowcreek Parkway/McIntire Road interchange, and they said there was no money for a smaller, smarter, pedestrian and bicycle-friendly diamond interchange. Charlottesville citizens and elected officials put their foot down – and the smaller project has just been completed. Mr. Crytzer asked the Board not to "bow down to the VDOT gods," to invite Smart 29's consultant to present his study results, listen to the thousands of constituents who want them to slow down and study the impact of the grade-separated interchange, and to vote for Mr. Boyd's motion later in the meeting.

Mr. Bob McAdams of the Rio District addressed the Board, stating the problem that he sees with the Rio Road/29 intersection is left turns. In order to make a left turn, the opposing traffic has to stop to allow him to cross their lanes. Mr. McAdams stated that last year, the John Warner Parkway opened up, and it will not take long for people to realize that this is the quickest way to get downtown. He stated this will cause more left turns at the Rio Road intersection, and the two left turn lanes that are available now will quickly fill up, and the traffic will begin to back up into the through lanes. Mr. McAdams said that this is going to be a real problem, and a public safety issue as vehicles try to veer around that traffic. He stated that the John Warner Parkway is not the only problem looming. Hillsdale Drive also ends at Rio

Road, Berkmar Drive comes down to Rio Road where there is a traffic light, and he believes that most southbound traffic on Berkmar Drive Extended will turn left on Rio Road to get back to the Route 29 pathway. Mr. McAdams urged the Board not to delay the improvements for a grade-separated interchange at Rio Road, for a matter of public safety, so they can have an interchange there that is designed to more efficiently and safely manage turning traffic. He said that at the same time, he urges the Board to do everything possible to support local businesses, by having the contractor and VDOT minimize disruption to access to those businesses.

Ms. Dittmar stated that she had an announcement that she was going to make later during the Board's Solutions 29 discussion. Mr. Sheffield is not present, and prior to the Board deciding to have this discussion he sent an email to her, the Vice Chair and the County Executive indicating that he had a conflict, but she did not remember that in scheduling this meeting. She said that she wanted to emphasize that his absence had nothing to do with the topic, and he had shared with her some comments prior to the meeting.

Mr. Mac Lafferty of the Jack Jouett District addressed the Board, stating that Mr. Sheffield has been doing a tremendous job for the County. He explained that the grade-separated interchange has been proposed within Places 29 because it has been identified for many years as one of the worst intersections for crashes along Route 29. Mr. Lafferty said that there was mention of the John Warner Parkway opening, and there was also a lot of buildings and condominiums going up on Rio Road, with the County Library moving to the west part of Rio. He stated that regarding a small area study, the footprint of this interchange is so small that VDOT will likely complete that and justify whatever the County is doing in its plan. Mr. Lafferty said that regarding signage, he had purchased a car north of where the interchange was going, and he guarantees that he can find his way back to it.

Ms. Maggie Van Winkle addressed the Board, stating that she is a resident of Monet Hill in the Rivanna District, and asking the Board to pass Mr. Boyd's motion to reexamine the grade-separated interchange. Ms. Van Winkle said that there has been 14,368 challenges to this grade-separated intersection, and the Board owes it to their constituents to take another look at it, as they are representing the community's interest, not just their own. She stated that she travels up and down Route 29 through this intersection several times per day on most days, and whether or not they want it to be, Route 29 is the County's main street. Ms. Van Winkle said that the traffic on the six-mile stretch between Airport Road and Angus Road is lighter than it was when she first visited her daughter at UVA in 1988. She stated that she has lived in the area for 9½ years, and the part of Route 29 that needs serious attention is the Hydraulic Road intersection and the intersection with the Route 250 Bypass. Ms. Van Winkle said that the creation of the GSI at Rio Road will eliminate only three of the 19 traffic lights between the two roads that could potentially stop through traffic. She stated this might reduce the transit time for through traffic by about a minute, but the price paid by local users will be very high. They will have to make U-turns and double back where they are currently able to make left turns. They will have to travel further, wait in line longer, and be on Route 29 longer.

Ms. Anna Freshwater of the Rivanna District addressed the Board, stating that this grade-separated interchange is a huge waste of taxpayer dollars, and all of them, except for Mr. Boyd, are making a huge mistake by thinking this money is going to solve a problem, when they all thought there was not enough traffic to build a bypass on 29. Ms. Freshwater stated that they will be spending \$84 million on this little interchange that will cause a huge disruption to so many people that live in the area, and stated that Mr. Boyd is the only person on the Board who has any common sense.

Ms. Palmer asked that speakers address their comments to the entire Board and not single out any individual Supervisors.

Ms. Nancy Carpenter of the Scottsville District addressed the Board, stating that she had sent Board members information about the Spring for Housing project beginning in March. Ms. Carpenter said that she hopes they will individually and collectively support this project, which will provide funding through the City for rental assistance for people who will be moving out of the seasonal winter shelters sponsored by local churches. She stated that this project will help approximately 30 people in the region to move out of shelters into their own homes. She stated that she hopes the County will fund the Spring for Housing projects in the future. Ms. Carpenter said that these "Housing First" initiatives are a good public policy, regional strategy, and does not stop at arbitrary geographic boundaries. She said she also hopes the Board will talk to members of the House of Delegates and Senate budget committees about the \$4.5 million that was taken out of the budget for support services for veterans in Virginia. She stated that the state needs to step up and support veterans suffering from chronic homelessness with underlying causes of mental health or substance abuse issues, and to help them establish a normal life as a productive citizen once they come back from combat.

Mr. Saunders Midyette of the Jack Jouett District addressed the Board, stating that he is pleased with their support of the Route 29 Solutions package, including the Rio interchange. Mr. Midyette said that the \$230 million VDOT package had the approval of the Board, the MPO and the CTB, and would implement the Places 29 Master Plan – which was unanimously approved in 2011 by the Board of Supervisors, which included current Supervisors Ken Boyd and Ann Mallek. He stated that as they understand, the construction of all Route 29 Solutions projects as a package is necessary to resolve the

current failing Route 29 traffic flow, and their foresight in these projects is serving the best interests of the Charlottesville and Albemarle community, and will do so for decades to come.

Mr. Phil Eaton of the White Hall District addressed the Board, stating that he will not be affected by the traffic on Route 29 nor will it hurt his job because of where he works in town – but it is the wrong thing to do, and goes against everything that he understood about Entrance Corridors. He emphasized that there is no way they can make 27-foot concrete walls pretty, and it will hurt businesses and not help traffic. Mr. Eaton stated when he first heard about the plans, he thought it was political, and when he learned that two environmental organizations did not want an environmental study done, he knew it was political. He added that he would remember this when it came time to vote.

Ms. Virginia Amiss addressed the Board, stating that she is a resident of the City and had lived here for most of her 90 years. Ms. Amos said that her parents, grandparents and great-grandparents were born and lived in Albemarle County, and she remembered Route 29 as a two-lane gravel road; and 29 South was located where Old Lynchburg Road is now. She stated that anything past the University tennis courts was out in the country, and at that intersection was a 1920s-style motor court; the rest of Route 29 was forested, with an occasional farm. Ms. Amiss said that she has lived to see all of the developments on Route 29, and has read everything in the newspapers about Places 29. She stated that she finds it deceptive to call the Rio Road interchange an “overpass” or grade-separated intersection, rather than call Route 29 an “underpass.” She stated that most people envision an overpass as a bridge, and it was not until she and others saw the picture in the paper that it became clear what it actually is – an underpass. She added that it will be disastrous, and asked the Board to follow Mr. Boyd’s recommendation to table the Route 29 Rio Road project until a small area plan can be studied.

Mr. Dennis Rooker of the Jack Jouett District addressed the Board, stating that the Comprehensive Plan does not require the Board to ignore the fact that full funding for a project in the Board’s long-range transportation plan has been allocated – and the Virginia Code requires the Board to make the Comp Plan consistent with the state’s Six-Year Transportation Improvement Plan. Mr. Rooker said that all of the Route 29 Solutions projects, including the Route 29 Solutions projects, including the Route 29 overpass, are fully funded and included in the Six-Year Transportation Plan. The Board is not permitted by law to adopt a small area plan or any other elements to the Comp Plan that are not consistent with the state’s Six-Year Transportation Plan. He stated that because of that, any small area plan developed for the Rio Road/Route 29 area at any time will have to include and incorporate the Rio overpass project. Mr. Rooker said the Secretary of Transportation, Philip Shucet, and David Toscano have all recently made it clear that the Route 29 Solutions packages were approved and funded as an integral plan for improving traffic flow in and around Route 29. He stated that trying to pull out one project or even substantially delaying a project will likely result in voiding the bids and ultimately losing more than \$200 million in transportation funds for the area. Mr. Rooker said that the bid about to be awarded for the Rio overpass, Berkmar Extended, and Route 29 widening, saves the state over \$40 million from the current allocation for these projects. These funds are likely to be made available for other projects in this area’s long-range transportation plan. He stated that the Board is now in the unique situation of having positioned the community to receive over \$200 million for transportation projects long included in all of the Board’s local transportation plans, and urged the Board not to let this once in a lifetime opportunity slip away.

Ms. Peg Lascano addressed the Board, stating that she heard a comment that “it never ends,” and noting that there is a reason it never ends. We have yet to come up with the best solution for the majority good of Albemarle and Charlottesville. Ms. Lascano said that she is not able to locate who spoke in favor of this the previous week, and asked the Board to take a step back – as the grade-separated interchange will not change the fact that they have one road north to south and one road east to west. She stated that VDOT and the state government will never allow a GSI to be in the capital, nor will they allow it on Monument Avenue – which is the equivalent of Route 29 running through Albemarle. Ms. Lascano added that they need to make it the best they can possibly make it.

Mr. Larry Howard of Earlysville addressed the Board, stating that he is before them to support Mr. Boyd’s motion, and has been before them in the previous weeks to speak as the owner of his guitar store on the corner of Rio Road and Route 29. Mr. Howard said this GSI is not going to do anything functional, and he encouraged the Board to do what is right.

Mr. Gerry Petecin of the Rio District addressed the Board, stating that he is a resident of Woodbrook, and thanked the Board and VDOT for the excellent job they have already done on the Rio Road/Route 29 intersection. Mr. Petecin said that the red-light cameras have made it a safer intersection, helping to reduce accidents by one third, and making him and his family safer drivers. He stated that the Board, VDOT, Secretary Layne, Philip Shucet and the Southern Environmental Law Center (SELC) are all telling the public that the intersection has failed, and that the “Rio tunnel” is a great improvement. Mr. Petecin said that it did not seem right that the \$84 million tunnel will be better for the community, when the existing intersection is already excellent. He stated that he and his wife make at least 1,000 trips through Rio Road and Route 29, and never have a problem there. So when the Board says that Rio Road must be the top priority, something just is not right. When the Board says the only way several modest, reasonable projects can be funded is by funding a huge project that many regard as a disaster,

something just is not right. Mr. Petecin said that when Mr. Sheffield tells them that the Toole Design Group and Ian Lockwood are great transportation consultants with an excellent reputation, but cannot be trusted on this issue, something is not right either. He stated that he does not know who to believe, but he is inclined to believe Smart 29 because what they are saying makes common sense, and agrees with what he sees when he is driving up and down Route 29. He stated that he and his wife never have a problem at that intersection, and it functions better now than it did five or ten years ago. Mr. Petecin said that he is inclined to believe what Smart 29 has said, and he supports what Mr. Boyd is trying to do. He does not agree with the implication made by the Southern Environmental Law Center (SELC) and Ms. McKeel that because there are successful businessmen involved in opposing the GSI, this damaged their credibility.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board, stating that the Southern Environmental Law Center (SELC) has made no statements suggesting there is a correlation between the credibility and the success of business owners, and he is baffled by the comment. Mr. Butler said that the Southern Environmental Law Center (SELC) supports the Rio project and the entire Route 29 Solutions package. In their two decades of working to improve the Route 29 corridor, this set of projects is by far the best opportunity the County has to make real improvements to Route 29 that benefit the entire community and advance the long-term vision for the corridor that the County, the MPO and the public have worked so long and hard to develop. He states that the Rio project is a central piece of this larger package and this vision. For local drivers who have no need or desire to stop anywhere near the Rio intersection, as well as regional travelers passing through the area, the project will eliminate three traffic signals along a congested stretch of Route 29 that many people traverse on a daily basis. Mr. Butler said that the project will also be a very valuable piece of the parallel road network, because the Rio Road intersection will be an important link where the new parallel roads and existing parallel roads come together. He states that the intersection will need to work more efficiently to best serve that key purpose, and this project is about helping it to do just that. Mr. Butler said that none of this is intended to discount the understandable concerns being raised about the potential impacts of a construction project at one of the busiest intersections on Route 29. We must remain committed as a community to minimizing the negative impacts, and building on the major commitments already made to limit disruption, such as keeping the construction-related lane closures for the Rio project to nighttime hours, and to a 103-day period during the summer of 2016. He states that they still have more work to do, and he hopes they can soon come together to work toward the community's shared commitment to minimize impacts with these important solutions.

Ms. Adele Wood addressed the Board, stating that she appreciates the Board of Supervisors for their work and for all of the good things they have done. Ms. Wood states that she is in total approval for the Route 29 Solutions package and every project within it. She said that as a graduate of VCU's sculpture department, she knows what it is to design something, and part of that is collaboration. Ms. Wood said that this solutions package is a collaborative and a contemporary solution, and is before them now as a funded package that will make driving easier and safer. She states that she appreciates the work that has gone into this, and everything that Mr. Rooker and Mr. Butler said, and plans to go to all of the stores at the intersection area during the project.

Mr. Milton Moore of the Jack Jouett District addressed the Board, stating that 27 years ago he moved two doors down from former Supervisor Charlotte Humphris, and has worked since then on projects for Route 29. Mr. Moore stated that he is grateful the Board came up with the solutions package, which he thought would never happen, and said he sold his house the previous week because of these projects.

Ms. Pam Riley of the Scottsville District addressed the Board, stating that she is 100% in support of the Route 29 Solutions Package. Ms. Riley said that her comments are regarding the Piedmont Family YMCA fund report, and thanks the City and County and YMCA leadership for persevering over the last five years to bring forward a much needed family recreational complex. She states these are essential services for the entire community, and she is pleased they are going to get a YMCA because anyone can go there regardless of how much money they have. Ms. Riley said that she is still upset that ACAC and Gold's Gym sued the City and County to try to prevent the YMCA from being built. There are many other people who feel the way that she does. She states that the lawsuit has caused the project costs to increase, which has made it harder for the YMCA to raise the necessary funds to build the facility. She is hopeful that with the efforts of community leaders, the community will eventually have a new family recreational facility. Ms. Riley stated that her comments regarding ACAC and Gold's Gym are only directed at the owners, not the patrons or the employees of the clubs who are innocent bystanders. She states that ACAC is developing a reputation in the community of only looking out for their own corporate interests, and she would like to see them consider what is best for all residents. Ms. Riley said that ACAC has an opportunity to do what is right, and she would like them to offer reparations to the public for their past actions. She suggests that they can fund the entire fund balance or lead an effort with the business community to raise the remaining funds so that we can get the YMCA built sooner.

Mr. Harold Swayne addressed the Board, stating that he endorses Ms. Carpenter's comments about support for veterans, but he is before the Board to voice support for Mr. Boyd in stopping the nightmare they are about to permit. Mr. Swayne stated that he is a resident of Greene County and travels Route 29 North every day, and the Rio Road intersection is not the problem – they needed a bypass,

which the Board killed. He states that to drop \$85 million into a project that is not going to do any good is a waste of money, and he would rather see it spent on highways that need work, such as I-81, Route 29 in Gainesville, and I-95. Mr. Swayne states that under the Freedom of Information Act, he would like to request financials to see if any money went into anyone's pocket, and also to see if any big donors funded the Governor who killed the bypass.

Mr. Eddie Giles of the Rio District addressed the Board, stating that the GSI is not necessary and that the Board should not let Richmond dictate to the members how they run their County. He stated that while some say the funding provides a once in a lifetime opportunity, but keep in mind some of the businesses along the corridor are a once in a lifetime opportunity for their owners. Mr. Giles asked the Board not to sell out the County to please Richmond.

Ms. Susan Reed of the Rio District addressed the Board, stating that many of the meetings are advisory, so the public is not going to those. She stated that while Mr. Shucet is meeting with business people, it is mostly the business people being told that the GSI is going in and they need to deal with it. Ms. Reed said that when asked how they could keep their businesses afloat, Mr. Shucet suggested that they offer "deep discounts." She stated that there are assertions that the Smart 29 people have deep pockets, but she recalled numerous radio, TV and newspaper ads with the Bypass Truth Coalition, and her household also received two letters from Mr. Sheffield. Ms. Reed stated that she does not understand why the environmental groups are so gung ho about the interchange, as it is a big ugly hunk of concrete, and having to make a U-turn to get back to a destination will waste a lot of fuel. She states that there are a number of groups sending out emails that say if people do not come out in favor of the GSI, the Board will be bringing back the bypass – but that is not true, as the bypass is dead. Ms. Reed said that if they are so sure that the GSI is the right solution, then the Board should prove it by having a neutral party do a small area study. She states that there is no emergency need for the interchange, and if the Board puts it in needlessly, people will pay the price literally with tax dollars, and physically as people have to drive through and see the uglification of the area.

Mr. Scott VandePol of the Jack Jouett District addressed the Board, stating that he appreciates the work the Board does, as there is an endless time commitment, a ton of homework, and not much pay. Mr. VandePol said that the reason the bypass was not built is because the Federal Highway Administration decided not to fund it. A process was engaged in to find a solution with communities to the south, the north, the City and the County. He states that it is an open process prescribed by law, with public hearings, and the process has integrity. Mr. VandePol says that a solution was devised, and the proposal to delay the construction breaks faith with the Governor of the State, the communities to the north and south, and is a pointless delay for solutions that are going to help the region, at the behest of a small number of people who are immediately affected by it – and he understands their concern. He states that people have said the interchange is pointless or that it is not going to be useful. Left out of the conversation is that the other projects will funnel lots of traffic right onto the Rio interchange, so if the Rio interchange is not built it will be a real mess. On the contrary, he said, drivers will be able to come down Berkmar Extended, pass right across Rio, go onto the John Warner Parkway and go all the way downtown to Charlottesville – and it is going to be awesome.

Ms. Sally Thomas of the Samuel Miller District addressed the Board and thanked them for opening the meetings up again and again for public comments, and is delighted that the Board will have video streaming. Ms. Thomas said that she is glad there is so much interest in a comprehensive plan issue – which is rare – and is sincerely glad that they live in a community that cares, even if it means fighting words. She states that when she and her fiancé arrived in Charlottesville in 1963, the driver took the backroads from the airport to the University because it was explained to them that "Route 29 was too ugly." Ms. Thomas said that this is what probably started her interest in making sure that Route 29 was a welcoming and useful place in the community, and she is delighted with the solutions package and the efforts the Board has made to get them here.

Mr. Peter Wray addressed the Board, stating that he is before them to provide specific examples of why it is important to vote for the motion provided by Mr. Boyd to delay the GSI project and understand its true impacts. Mr. Wray said that he owns the Goodwill property at 1720 Seminole Trail, and has met with VDOT twice in the last week. He states that at their meeting the previous Monday with VDOT and his Goodwill tenant, they were told that the retaining wall up front with the sidewalk is currently required to be moved 12 feet into his property. Mr. Wray said that the front area of that parcel is already tough, and what VDOT is proposing will take away the front perpendicular parking spaces, and there is a good chance that the 26-foot Goodwill box truck will not be able to make that turn any longer and circulate around the building. He stated that he brought this up to provide a specific example of why it is important with a traffic design and a traffic study to get on the ground and take the time to talk to business owners before proceeding. Mr. Wray said that if there is no solution to moving that retaining wall into his property, he asked the Board to contemplate the reality of the Goodwill being able to stay there. He emphasized that these are real impacts, and asked the Board to step back a moment and study this.

Ms. Laura Knox, Executive Director of the Smart 29 coalition, addressed the Board and states that she is also a working mother of two children and a concerned citizen. Ms. Knox states that there have been many items brought to the Board's attention regarding the community's concern over the

grade-separated interchange, and the point she wishes to present is related to the community's economic vitality. Ms. Knox said that when Smart 29 invited Philip Shucet to a coalition meeting in December 2014, they asked him about the economic impacts of the GSI on the community, and whether a study had been done to show the project's economic impacts. She presented a video clip showing Mr. Shucet stating that "VDOT was not in this for business, it was for transportation purposes." Ms. Knox stated that Mr. Sheffield has been on the record as stating that the interchange will increase economic vitality in that sector, but her question is how, and who to believe.

Mr. David Mitchell of the Jack Jouett District addressed the Board, stating that he is part of the Smart 29 coalition and reported that they have done a survey through Conquest Communications, a Richmond-based polling firm that a lot of people use as part of the political process. He said that in the survey, they asked whether people are for or against the grade-separated interchange, and the results were 60% against, 20% for, and the rest did not provide an opinion. Mr. Mitchell stated that a three to one ratio is a pretty strong number, and is indicative of the mistaken assumption that people who are against the Western Bypass are in favor of the GSI – but this survey shows that is clearly not the case, and that is an important fact for them to respond to, as their constituents are not in favor of this portion of the projects. He states that it is wrong to assume that there is a one for one correlation to being against a bypass and for a grade-separated interchange.

Ms. Katharine Welch of the Rio District addressed the Board, stating that she is the Board's representative on Charlottesville Area Transit's advisory board and on the Citizens' Transportation Advisory Committee for the MPO. Ms. Welch said that this does not bring her any special clout, but she has lived in the area for 24 years and has traversed the intersection by bus, by car, by bicycle, and by foot, and has worked to try to get citizen input into this situation before now. She states that she has spoken with Philip Shucet, and he has visited Woodbrook and kind of looked around – but she felt that if residents who actually used this intersection had provided input a long time ago, they may have been able to avoid some of these problems. Ms. Welch said that she really did not see the problem with the intersection, and the \$84 million in improvements would only save a few seconds of travel time.

Mr. Bob Humphris addressed the Board, stating that he has lived in the Charlottesville area for 60 years, and in the Jack Jouett District for 45 years. Mr. Humphris said that in 1970, Albemarle County developed steps to adopt the first Zoning Ordinance. The planner retained to prepare the plan recommended that the Route 29 corridor not be zoned commercial, based on his opinion that to do so would diminish the aesthetic beauty of the entrance to Charlottesville and would interfere with the transportation purpose of Route 29. Mr. Humphris said that the developers who owned the property along 29 spoke strongly in favor of the commercial zoning, and the Board of Supervisors ultimately approved that. He stated that in the early 1970s, access roads were proposed along the east and west sides of Route 29, a recommendation that was strongly opposed by business interests. In deference to this opposition, he said, the access roads were abandoned, and a plan to widen the three-mile section of Route 29 to eight lanes was proposed in the early 1980s and was opposed by many Route 29 businesses. Mr. Humphris said that partly as a result of that opposition, the widening was delayed by a decade. He stated that the first Charlottesville Albemarle Transportation (CAT) study, completed in 1985, included both the widening project and a grade-separated interchange at the intersection of Rio Road and Route 29, but opposition from businesses derailed the interchange. The same thing happened again in 1995. Mr. Humphris said that once again, business interests were trying to undermine more than 35 years of work by the community and to stop the grade-separated interchange at Rio Road. He stated that every transportation study has concluded that this is one of the most important improvements needed to make traffic work in the Route 29 corridor, and he urges the Board to continue its support of the Route 29 Solutions package, and to be the Board that finally gets the Rio interchange built.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that Smart 29 has put forth a plan that transforms parking lots and properties into roads, and increases traffic through neighborhoods that likely have no idea that they are part of these plans. He states that when the County proposed some of these street networks in 2009, businesses opposed them, yet now they want to scuttle Rio and have the community believe they now embrace these things. Mr. Werner presented the Smart 29 proposed plan and its numerous modifications, and emphasizes that they will somehow squeeze a road into a space around 29 and Rio, very near Albemarle Square, a stream valley, an apartment complex – then aligning with Myers Drive, which will require taking out a building where Crutchfield is located.

Mr. Boyd said that what Mr. Werner presented was a concept plan, not a definite plan, and asked him if he had attended any of the charrettes. He stated that Mr. Werner was perceiving this to be Smart 29's alternative, but that was not the truth.

Mr. Werner said that he would love to debate this with Mr. Boyd, but Mr. Boyd had commented the other night that Mr. Werner "had not done anything in 15 years," which he knows was a fabrication. He said that what he has is a slide that Mr. Lockwood presented, and said that Mr. Lockwood was not even at the town hall meeting, which was being reported as a VDOT town hall.

Mr. Mike Basile of the Samuel Miller District addressed the Board, stating that the reason the grade-separated interchange has not been talked about as an alternative during the bypass discussions

is because it is not a good idea – and this is why it has come as a surprise. Mr. Basile said that who this will hurt the most is commuters. There is not a problem at the intersection, so it is confusing to people as to why this project is going through so quickly. He stated that many people have come out in opposition to this project, and if it goes through it will be against the wishes of the people. Mr. Basile suggested that the County do a public survey, as Smart 29 has done. He said that this money has been offered in the past, and if this route is so important, the money will be provided to fix it.

Mr. Daniel Bowman of the Jack Jouett District addressed the Board and stated that he is in favor of the Route 29 Solutions project as an entire package. Mr. Bowman said that calling this area the “main street of Albemarle County” does not make it a main street, and calling a grade-separated interchange ugly is a bit bizarre, because there are many in the community already, especially on the Route 250 bypass. He stated this is a long-term issue and a regional one, and U.S. Highway 29 is a corridor from the southern to the northern borders of Virginia, and it must be perceived as a statewide arterial.

Mr. Mike Farbaugh addressed the Board, stating that he and his wife own properties in Albemarle County and the City of Charlottesville. Mr. Farbaugh asked the Board to continue the course of the Route 29 Solutions projects, including the Rio Road interchange. He said that these discussions make him think back to a previous town hall meeting, after which he was told they needed to move forward with the project although people were unhappy with where it is located, but no matter where the road is put there is going to be objection – and while people will feel the pain for the short time, in the long run it will be better. Mr. Farbaugh said that the speaker has gone on about the time and the countless hours in preparation for the project, and concluded that an option has been chosen and they must move forward. He stated that those words were spoken at a town hall meeting by Supervisor Boyd on the defunct Western Bypass, and he would like to encourage the Board members to heed these words and stay the course. Mr. Farbaugh thanked them for the many town hall meetings, and also wanted to thank Mr. Sheffield for his time, stating he felt bad about the less than cordial feedback directed toward him.

Ms. Cheryl Pettinson addressed the Board, stating that she is a Woodbrook resident and formerly lived in Canterbury Hills in the Jack Jouett District. Ms. Pettinson said that she wants to make a correction as Berkmar does not run into the John Warner Parkway, which she uses frequently as she works in the City. She noted that the Parkway has been packed every day she has been on it. Ms. Pettinson said that she would like to know what is going on with Route 29 north of Polo Grounds Road. When the Hollymead Town Center was built, the developer spoke and said he was in favor of widening that road and was in favor of extending Berkmar Drive. She said that she did not know if that was going to happen now, and asked if they were postponing what needs to be done north of Polo Grounds Road, as that is where she and others see the problem. Ms. Pettinson said that she drives through Rio Road several times per day, and there is no problem there.

Mr. John Martin of Free Union addressed the Board, stating that the Rio intersection has been a nightmare for the 18 years he has lived here, and now it will finally be improved, which will improve the quality of life for people in this community. Mr. Martin stated he has been to all of the project delivery advisory panel meetings but one, has read the plans, and is very familiar with the Route 29 Solutions package. He said he has heard a lot about how this would hurt businesses, and said he has come to the conclusion that this road will not affect his behavior as a citizen at all. He will still be doing business with the same people he always has, and there is no place on Route 29 that he cannot get to, during construction or afterwards. Mr. Martin emphasized that it will improve the quality of life in Albemarle County, and it should proceed.

Mr. Jim Brewer addressed the Board, stating that he is a resident of Woodbrook and for the past 15 years or so he has written articles for businesses in the local paper and has interviewed many business owners, and has never once heard anyone say it is easy to do business in this County. Instead they say that they are able to do business in spite of the County. Mr. Brewer said that never had the County’s hostile business environment been more evident than with this pursuit of a “Dallas, Texas tunnel” through the heart of the City, which will immediately destroy dozens of businesses and fatally wound many others. He said that comments have been made that people may have to suffer a little pain, but it is not a little pain when you lose your job or your life savings, or go out of business – all so that cars at Route 29 North will get to the next stoplight one minute sooner. Mr. Brewer said that when Mr. Sheffield ran for Rio District Supervisor, he said that he would “work to create an economic development program that creates real jobs for the real working-class residents” because he said that everyone deserved employment. He stated that he agrees with Mr. Sheffield that everyone does deserve employment, particularly those who currently have real jobs in Albemarle County. Mr. Brewer said that Judas got 30 pieces of silver, and it looks like the County will get a little bit more than that, but for those businesses and thousands of residents who trusted the Supervisors, the results will be the same.

Ms. Cynthia Neff addressed the Board, stating that she was a longtime resident of the Rivanna District and is now a resident of Jack Jouett. Ms. Neff said that if people had spent more time reading the Places 29 Master Plan, some of this would make a lot more sense. She emphasized that there are no simple solutions or silver bullets, and a recent transplant to the area told her that this was a world-class city, but traffic is awful. Ms. Neff said that the master plan calls for parallel roads and the interchange, and those who have driven on the new McIntire interchange on the bypass would probably say it was

worth it. She stated that she agreed with the previous speaker that it is hard to lose your job, but one of the reasons the County has these problems is because they have not kept up with their infrastructure, and as the County looks forward they must realize that the population is going to grow significantly. Ms. Neff thanked the Board for their patience and for taking some of the verbal abuse, and for listening to people. She knows they will do the right thing in the end, which she hopes is to support the Places 29 solutions.

Mr. John Chavan addressed the Board, stating that he is a long time resident of Albemarle County and has relatives who own businesses on Route 29. The rent there is \$40-50 per square foot, and those who own businesses operate on a very slim profit margin. Mr. Chavan stated that if this project goes through, people who had invested their families' time and money will go bankrupt, and he does not feel the Board will be keeping its promise of promoting economic vitality. He stated that the same organizations who are supporting this are the ones who will oppose moving one shrub or bush in other projects, and he suggested to the Board that they think of the businesses and community members who will be largely affected by this.

Mr. Paul Wright addressed the Board, stating that he is a City resident and feels that comedian and TV host Jon Stewart would truly enjoy this debate. Mr. Wright said that there are many people who lectured him on how wasteful the bypass would be at \$40 million a mile, and today some of those same people passionately speak about how spending \$340 million a mile – which is what Route 29 Solutions will cost – is such a great deal. He stated that he thought people might be afraid that another Governor will get elected before this gets built, and what they see is that this must be built first because nothing else will happen. Mr. Wright stated that there are also people in this room who argue passionately that they must not lose this opportunity to spend the money, who begged the Board not to spend it a year ago. He asked for the Board to explain to the community why the order matters so dramatically, and said that they can make the difference.

Ms. Beth Cox of the Rio District addressed the Board, stating that she came to the community as a college student in 1988 and has heard the debate about the bypass ever since. Ms. Cox said that they cannot just accept this solution as an immediate fix because it has not been done for 30 years, they instead need the right solution and one that keeps in mind of what is already in place – all of the jobs, and those who live and work here now. She stated that this is not the right solution, and she does not want to see the same thing happening as what is going on in Northern Virginia, which has divided communities and killed a lot of businesses in places like Route 7, where people now drive right through and onto Reston or Tysons Corner. Ms. Cox urged the Board to think about that in their consideration of Mr. Boyd's proposal, and encouraged the Board to pause the project and look at current solutions, not 30-year-old solutions.

Mr. John Lloyd addressed the Board, stating that he runs the Hallmark store at Fashion Square Mall and has had three businesses in Charlottesville over the past 45 years, all up and down Route 29 – from Barracks Road to Fashion Square to Albemarle Square to Hollymead. He stated that he currently lives at the corner of Northfields and Carrsbrook, and does not have problems going through Rio Road, but does go through Hydraulic. Mr. Lloyd encouraged the Board to hit the pause button and do the projects in a different order: expanding the Route 29 lanes north of Proffit Road and doing the access roads on either side, and then evaluate whether it has made enough impact so as not to need the GSI at Rio Road. He said that having lived in Charlottesville for 59 years, the problem is not Rio Road – but it will be if they build the interchange before building the other solutions.

Mr. Michael Faulkner addressed the Board, stating that he is district manager for Fresh Market in Charlottesville, but is a resident of Richmond. Mr. Faulkner said that he has studied the plans and has attended all of the meetings, and the one question that has not been answered for him is the left-hand turn issue, especially when they start the construction phase. No one has been able to answer how they will get trucks in and out of the stores. He stated that VDOT said at their first meeting that they really have not thought about that yet. At their second meeting, they suggested that trucks go down a mile, make a U-turn and come back. Mr. Faulkner stated that often his trucks are going to several stores, and the question remains for him as to how this is going to be feasible for those businesses.

Mr. Grant Gamble stated that he works with the Smart 29 group and his family lives in the community. He stated that he has heard a lot of data thrown around, but VDOT's own information showed that traffic is down 9.5% on that sector; accidents are down 33% at that intersection since 2011. Places 29 projections from 2005-2014 are 39.5% off; the SELC and commission reports in 2011 determined that County traffic in that congested area has flat lined, with only a .5% increase out of 20 years through 2011. He said that now they are hearing about growth rates of 30% projected for 2040, but from 2002-2014, the population has increased 18% but the traffic has decreased 9.5%. Mr. Gamble said that they cannot construct this on the basis of future growth when it has been proven by SELC and others that it is not related to traffic.

Mr. Ed Akeel addressed the Board, stating that he is a business owner and a resident of the Rio District. Mr. Akeel said that his concern is the decline of business if this project goes through, and he

expects that lot of them will go down, reflecting on the community as a whole. He stated that the main problems are where the bridge narrows Route 29 to two lanes near Hollymead, which is where most of the accidents happen. Mr. Akeel said he hopes the projects can be resequenced, doing Berkmar Extended first, then Hillsdale and other parallel roads.

Ms. Brianna Gamble of the Rio District addressed the Board, stating that there has been no data to support VDOT's claim that the parallel roads will funnel traffic onto 29 and facilitate the need for the grade-separated interchange to be built first. Ms. Gamble said that the only data they have received is Mr. Shucet's opinion that this needs to be done first, and she urged the Board to open the dialogue to include the people who have actually done the studies, Smart 29, which has been willing to share that data. Ms. Gamble said that Smart 29 is asking them to pause the project, not to stop it, and asked how the GSI will improve safety if you have trucks merging left to get into the express lanes. She stated that someone has mentioned that this is a contemporary design, but that is not accurate, as contemporary design allows for access and does not limit it.

There being no further speakers, the Chair closed the general public comment period.

Ms. Mallek said that someone had asked a question about the widening of Route 29 between the river and Hollymead, and it is part of the solutions package to add an extra lane in each direction and also to flatten out the vertical curves, which are the source of most of the hazards and accidents there. She stated that this particular section of road has been fully funded three times in the last 20 years, but the money has been taken for other projects and she hopes they will keep it this time.

Mr. Boyd asked if the Chair wants to comment about when they will be discussing his motion.

Ms. Dittmar said that the action item would be agenda item 15.

Agenda Item No. 10. Consent Agenda. Ms. McKeel **moved** to approve the Consent Agenda, subject to the minutes as approved. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Sheffield.

Item No. 10.1. Approval of Minutes: Approval of Minutes: March 5, April 2, June 10, July 8, August 26, September 9 and October 30, 2014.

Ms. Mallek pulled her portion of the minutes of April 2, 2014 and carried them forward to the next meeting.

Ms. Palmer pulled her portion of the minutes of March 5, 2014 and carried them forward to the next meeting.

Ms. Dittmar pulled the minutes of July 8, 2014 and carried them forward to the next meeting.

Ms. Dittmar pulled the minutes of August 26, 2014 and carried them forward to the next meeting.

Ms. McKeel had read the minutes of June 10, 2014 and found them to be in order.

Ms. McKeel pulled the minutes of October 30, 2014 and carried them forward to the next meeting.

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

Agenda Item. No. 11. **Public Hearing:** ZTA-2014-00004. Wireless Phase 2. The Board of Supervisors intends to adopt an ordinance to amend Secs. 3.1, Definitions, 5.1.40, Personal wireless service facilities, 30.6.4, Certificates of appropriateness, and 30.6.5 Development exempt from requirement to obtain certificate of appropriateness, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1, by adding a definition of "mobile personal wireless service facility"; amend Sec. 18-5.1.40, by amending the required supporting information accompanying an application for a personal wireless service facility (PWSF) pertaining to trees and photographic simulations, by amending the exemptions from regulations pertaining to building sites that would otherwise apply to a PWSF but not exempting lease areas and access roads to lease areas from critical slopes regulations, by amending the screening and siting requirements for Tier II PWSF's to require them to be sited to minimize their visibility from any entrance corridor overlay district, and to exempt mobile personal wireless service facilities from the requirements of section 18-5.1.40 subject to obtaining a zoning clearance, durational limits, siting requirements, and other requirements; and amend Secs. 18-30.6.4 and 18-30.6.5 by adding PWSF's to the classes of development exempt from review by the County's architectural review board under Sec. 18-30.6. (*Advertised in the Daily Progress on January 26 and February 2, 2015*)

The executive summary states that on October 1, 2014, the Board held a work session to discuss proposed amendments to the Personal Wireless Service Facilities regulations. See Attachment A for the October 1 staff report. The Board directed staff to revise the proposed ordinance, to seek additional comments from the Planning Commission (PC) regarding the proposal to eliminate the Certificate of Appropriateness requirement for Personal Wireless Service Facilities, and to develop revised language for the submittal of tree information on the application. See Attachment B for a summary of the Board's October 1 actions.

Pursuant to Board direction at the October 1 work session, staff met with the Architectural Review Board (ARB) and the PC regarding the proposed elimination of the Certificate of Appropriateness requirement. Staff also developed alternative standards for the submittal of tree information in order to address concerns raised by both the Board and the ARB. With the inclusion of the developed language, both the PC and the ARB recommend the removal of the Certificate of Appropriateness requirement. See Attachment C for a summary of the PC and ARB discussion regarding the Certificate of Appropriateness issue.

There is no budget impact is expected.

After the public hearing, staff recommends that the Board adopt the proposed ordinance (Attachment D).

Mr. Bill Fritz, Chief of Special Projects, stated that he would start by clarifying two issues of which the Board may be aware, and those issues are not part of the discussion tonight – and any decisions made at this meeting will have no impact on the outcome of these issues. He said that in April, staff will be bringing changes mandated by recent FCC actions, and those are significant changes dealing with colocation and review timelines. Mr. Fritz noted that the changes being discussed today are in no way related to any FCC action or rule-making. He said that the Board has also received comments about a specific wireless facility located in Bell-Air, and these proposed amendments have no relationship to what has happened at that site, and the issue before the County with that site is if the facility is in compliance with the ordinance or not. Mr. Fritz stated that investigation is underway, and the outcome of the proposed ordinance amendment has no impact on any finding of compliance or non-compliance.

He said that at a meeting in October 2014, the Board discussed proposed amendments and gave staff direction to proceed on multiple topics; the first was the modification of submittal requirements and how tree information is submitted. The Board directed staff to develop some alternative language for that. Mr. Fritz said that the Board supported photo simulations and expansion of the applicability of critical slopes regulations, as well as temporary facilities, and asked staff to do some additional work with the Planning Commission and the ARB on a proposal to remove the requirement of a certificate of appropriateness. He stated that there were multiple other changes discussed in October, but they were not supported by the Board and have been removed from consideration altogether, and are not part of the proposed ordinance before the Board. Mr. Fritz said that there is one change proposed to the ordinance related to how the County addressed critical slopes, and he has included that in what he provided to the Board, with the amendment clarifying that the facility location – the tower – cannot disturb critical slopes, and that the access road may also not disturb critical slopes. He stated that currently the ordinance only limits the tower's location and not the access. Mr. Fritz said that he also wants to remind the Board that each of the proposed amendments are independent, so if they like one and not another they can be removed.

Mr. Fritz reported that the Planning Commission initially recommended denial of the certificate of appropriateness amendment, and the Board requested additional comments. He said that staff brought the issue before the ARB for their comments and then went to the Planning Commission, and during the ARB's review they were concerned about how tree information would be provided on the application, so staff developed new language that satisfied the ARB's concern and they supported the proposed amendment to eliminate the need for the certificate of appropriateness. Mr. Fritz emphasized that the removal of this need does not mean that ARB staff will be removed from the review process, and they will continue to be part of the review process, and impacts on the Entrance Corridor will still be evaluated by staff. In order to ensure this continued inclusion of the ARB in the ordinance, he said, there is a proposal to include the requirement that impact on the Entrance Corridor be one of the factors considered in the construction of new facilities. He said the current ordinance states that they are to consider impacts on surrounding areas, and while that was always interpreted to mean the EC, the proposed ordinance adds the EC by name to emphasize the importance of the district. Mr. Fritz said that in December, the Planning Commission supported the proposed amendment, and he presented the language that the Commission and the ARB has endorsed, noting that it provides some specificity. He stated that in summary, the ordinance amendments modify how the information is submitted for trees, allows the County to require photo simulations, expands the applicability of critical slopes regulations, provides for temporary facilities, and removes the requirement for a certificate of appropriateness. Mr. Fritz said that these are the things endorsed by the Board back in October, with the exception that they wanted staff to work on the tree language, which they have now done, and that is supported by the ARB and the Planning Commission.

Ms. Mallek noted that the Board has not given approval to any of these changes, but did ask staff to come back with more information. Mr. Fritz clarified that the Board has endorsed the concepts to have staff bring them back. He also confirmed that the locations of the trees will be on the plan, and this is a significant change from the language staff had brought the Board in October.

Ms. Mallek asked if he could provide more information about how ARB staff will be part of this discussion. She added that the ARB has legislative authority to require certain things, but with only one voice from ARB staff she does not see that same authority.

Mr. Fritz explained that under the existing ordinance and for the last 15 years, most wireless sites are not located in the Entrance Corridor district. County staff will still contact the design planner for the ARB to see whether they have any comments about how it might impact the EC district, even though no review by the ARB is required. He noted that this is because of existing language in the ordinance that requires them to contemplate the impact on the surrounding area which has always been interpreted to mean any area potentially impacted – including the Entrance Corridor district. They are adding a specific provision that requires them to contemplate the impact on the EC, which currently is not in the ordinance.

Ms. Mallek asked what the provisions for notice will be for projects such as the one in Rivanna that are a mile or more from a landowner's house, but right in the face of the people across the river. Mr. Fritz said that in April 2014, staff had proposed some changes to the notice provisions, but the Board directed them not to work on them any longer. He said that there is no change in the notice provisions at all, and no difference as to whether ARB review is required or not – as notice revisions and ARB review are completely separate issues with no relationship.

Ms. Mallek said that for rural sites or neighborhood sites, they need to focus on whether an artificial geographic event does not preclude the notice of people who are on the other side. Mr. Fritz said that currently the individuals who get notified are the abutting property owners, and the river will not be considered an abutting property, they will look at the boundaries because property lines go to the center of a river.

Ms. Palmer asked under what circumstances they will still require the certificate of appropriateness. Mr. Fritz said that there will not be a new requirement under the proposed ordinance, and the ARB will review the building permits that come in to ensure they meet standards, but that is a countywide requirement, which is already in the ordinance, so nothing changed there.

Ms. Palmer stated that she had a number of conversations with different people who are involved with the ordinance. She spoke with one of the Planning Commissioners, who told her that it is his understanding that to upgrade to a Tier III with an addition to a cell tower, there would not need to be a certificate of appropriateness, but it will be required for a new tower. Mr. Fritz clarified that a Tier III tower is a new tower that is not a treetop tower – it is taller – and there can also be a Tier III application if they are doing colocation on an existing Tier III tower where they want to exceed the mounting standards contained in the ordinance, whereby antennas are larger and the standoff from the pole is greater. He said that will be a special use permit that comes before the Planning Commission and the Board of Supervisors, and they do not give a certificate of appropriateness because they come to the Commission and the Board.

Ms. Palmer said that she has received some emails regarding concerns about cases in which they will still want a certificate of appropriateness, and in the vast majority of situations they will not need one, but there are situations that they are not covering. Mr. Fritz said that part of the ARB's concern with certificates of appropriateness is that they are extremely limited in their ability to do anything dealing with it because of the specificity contained within the zoning ordinance as to how these facilities must be designed. He said that their concern is that it is already done by the time it comes to them, and there is nothing they can do except provide comment. Mr. Fritz noted that there is nothing in the ordinance that would prohibit County staff and the design planner to seek an advisory opinion for the ARB regarding the possible adverse impacts on the Entrance Corridor district, whereas some are obvious as not having an impact. He said that this does not mean that the ARB goes away, it simply allows the County to go to them as needed or not needed, to use their time as effectively and efficiently as possible. Mr. Fritz stated that if there is concern about this provision, it is very easy to amend the ordinance and leave the certificate of appropriateness in the ordinance, as it does not affect any of the other provisions.

Mr. Greg Kamptner, Deputy County Attorney, said that the wireless regulations very specifically deal with a lot of design issues, such as the maximum diameter of the pole at the base and the top; the color it can be painted, the appropriate height above the reference tree – for Tier III applications, through Board determination; where the cables can be located; and how the base station will be painted and whether it will be fenced. He said that all of those things are dictated through regulations, and experienced showed that the ARB's role for this particular type of structure was very limited.

Mr. Fritz said that the Board had previously authorized the ARB to establish criteria for countywide certificate of appropriateness, so it would not have to go to them anyway; it could just be done by staff, where staff could look at it and determine whether it is meeting design standards.

Ms. Palmer asked if he can explain the Planning Commission's concerns related to the change with the certificate of appropriateness. Mr. Fritz said that he does not completely understand that, and explained that the ARB has reviewed the proposal, which was brought back before the Planning Commission, and he did not recall them having much comment about the certificate of appropriateness.

Ms. Mallek asked if getting an advisory opinion is different from having a project go to the ARB for a certificate of appropriateness. Mr. Fritz said that what they have been doing is requiring that an application always go to the ARB if the project is in the Entrance Corridor district for a Tier II, and there are many that the ARB gets that automatically get approved because they are complying with the ordinance. He said that in those cases, the ARB does not have any comments on the application, and the

work on the siting has already been done because staff has already worked with the applicant. Mr. Fritz said that if there is a situation in which staff is not comfortable with the applicant's proposal, they can ask whoever they feel has an answer to help form an opinion – including the ARB.

Ms. Mallek commented that they get much better quality applications because of the steps required, and she is not sure that will be the case if they remove so many sets of eyes from the process.

Mr. Fritz said that it will be very simple for staff to amend the ordinance to retain the certificate of appropriateness language as-is, and they can bring it back to the next meeting.

The Chair opened the public hearing.

Mr. Chuck Boldt addressed the Board, stating that he is a resident of Piney Mountain Road, which is home to two cell tower sites and five providers. Mr. Boldt said that cell phone towers are a great concern to his neighbors and the neighbors of many other communities in the County, especially when many of them were installed and grandfathered before there was much more regulation. He stated that as a result, many existing towers have visual issues to address that newer towers do not. Mr. Boldt said that he has been at meetings where residents of Key West have objected to proposed towers, and when Bel-Air neighbors lost their screening, because of an unenforceable special use permit condition. He said that he is also struck that only one solution seems to reach the table, and alternatives that might allow consensus never see the light of day because there is no incentive on the part of the applicant to do so – many times because no one asks the questions or takes the time to ask for alternatives. Mr. Boldt said that the goal of the applicant is to get through the approval gate as fast as possible before unpleasant details slow the process. He stated that he is before the Board to ask the Board to consider including language in the ordinance in Chapter 18, Section 32 that broadens the basis for an appeal of an administrative decision by parties other than the applicant who are impacted by the application's administrative decision. Mr. Boldt said that what appears to be minor to one party may not be to another, and the availability of appeal by someone other than the applicant as a remedy introduced some independent accountability for the decision, which is lacking under the current regulations. He said that in the case of Piney Mountain, they were assured that the requirement for community meetings would provide a forum to address concerns in the future; and now not six months from that assurance, there is a special use permit cell tower application which appeared to require a community meeting, and staff decided it did not. Mr. Boldt said that there is no discussion surrounding that decision, and people other than staff needed to be involved in the process, including neighbors who are directly affected.

Mr. Jeff Werner addressed the Board, stating that the wireless policy in Albemarle has worked and has been successful, and he is worried that each year the Board is chipping away at it bit by bit. He said that when the policy and the regulations were being written, he was proud to get something included about tree protection. He said that he does not know why the height requirement of the trees has been removed in this version. Mr. Werner said that they are asking for information about the trees in the tree conservation plan portion of the ordinance, and he does not understand why it said elsewhere that the height of the tree is not necessary. He stated that the point of a treetop tower is to have the trees conceal it, and if they are not determining which trees get retained at that site, he does not see the point in calling it a treetop tower.

Ms. Valerie Long of Williams Mullen law firm addressed the Board, stating that she represents several wireless industry providers as well as some tower owners, and she also recalls the origins of the County policy, back to 1999 when she first started practicing. Ms. Long asked that the Board support staff's proposed modifications, as they are very modest steps that will help streamline the process without eliminating or reducing the scrutiny that goes on with these applications. She said that it seems as if the revisions are reducing or eliminating scrutiny and protection from the ARB, but her experience in representing applicants, as Mr. Kamptner pointed out, the regulations regarding design of the applications are so stringent, the rules are already restrictive as to what the towers can be. Ms. Long stated that by the time the applications reached the ARB, there is very little they could say, and what is intended with this proposal is not to eliminate the consideration of any potential impacts on the EC, but to streamline the process so that the design planner who is the ARB staff continues to play a role, but without coordination of the ARB hearing. She said that from her perspective, there is still the same amount of scrutiny and review and consideration, just in a more streamlined fashion. Ms. Long added that regarding the height requirement shown on plans, sub-paragraph F on page 2 of attachment D states that an applicant still has to specify the height of the reference tree, but also the height, caliper and species of any tree the applicant is relying on for screening of the facility. She said that the language states that you do not have to list the height of all the trees within 50 feet, but you have to identify them on a plan. Ms. Long said that the applicants are happy to show all the trees on the plan, but the cost was in surveying all of the tree heights within 50 feet.

With no further comments from the public, the Chair closed the public hearing.

Ms. Palmer asked how they define the trees that they are relying on for screening, and whether it is the whole 50 feet around the pole. Mr. Fritz said that it is whatever the applicant is proposing – whether it is one tree or a grove of trees providing screening – and every site is unique unto itself, so there is no standard answer to that question. He stated that depending on the point of view from which it is visible, there may be a backdrop that is a mountain – with nothing beyond it, so the only trees that might be relevant for screening are one or two trees as the property is dropping away. Mr. Fritz said that if there is a small knoll, there might be a clump of trees with a field surrounding it, and some poles are located within a hundred-acre woods.

Mr. Davis stated that staff will have to make a determination that what has been submitted minimizes the visibility of the tower, so if the applicant submitted one tree that is ineffective in minimizing the visibility, staff would say that they must have additional trees protected to provide the visual buffer.

Ms. Palmer said that one of the comments she has received with respect to the certificate of appropriateness is that there may be certain situations in which it might be extremely valuable to have that review.

Mr. Fritz said that there are two situations in particular where the comments of the ARB are topics of conversation in the decision-making process by the Board of Supervisors; one is a facility located in Ivy, which did not get built; and the other was in Keswick, where the ARB recommended approval of the tower even though staff felt it had adverse impacts and had recommended denial of the facility. He stated that the ARB's review was limited to its impact on the EC district; and staff felt its impact on other areas was excessive because the ARB's review is very limited and only pertained to the Entrance Corridor. Mr. Fritz said that there are multiple sites on Route 20 South that were in the EC district, and the ARB expressed no concern with those, although staff did because of their impact on the EC district. He added that generally staff has expressed more concern than the ARB, because their review is much more limited, due to the design standards contained within the ordinance. Staff's review is much broader because they can review a much broader range of impacts.

Ms. Mallek stated that on page 9 in the proposed ordinance, the text states that the agent shall approve new antennas even if they are different from the ones originally approved. The things they are allowed to change ministerially include different standoffs, different size of antennae and different shapes of the whole array.

Mr. Fritz said that if there are conditions that said the antenna had to be designed a certain way, they will not be bound by those conditions – and the agent could approve new antenna, replacement antenna, colocation, provided that the new antenna did comply with the design standards currently in the ordinance. He stated that the current design standards are almost always more stringent, and he could not think of a case where the old conditions prior to October 13, 2004 were more stringent than current design standards. Mr. Fritz added that although it may have limited the total number of arrays, the way the arrays were constructed was much more permissive than the existing design standards. He emphasized that this provision and many others are directly affected by the FCC mandates that are coming down, which staff will be bringing to the Board in April and are still trying to figure out how they will apply.

Mr. Kamptner said that the colocation provisions with the mandatory approvals are derivative of the federal statute that was adopted in 2012, which is resulting in these new FCC regulations. He said that the County has to take action based upon the statute, and the FCC is attempting to clarify what Congress said they need to do.

Mr. Davis said that these specific provisions are not proposed or advertised to be changed with this particular ordinance.

Ms. Mallek said that if they are not going to have as much information about the broad array of trees, she asked how they will know what the density is if they were only reporting on a few select ones onsite. Mr. Fritz stated that they are still getting tree information and it is still being shown on a plan, and they are just getting lesser detailed information for some trees. If that level of detail is provided for those trees, they will not be considered as part of the mitigating factors for that particular facility, which means they will not be able to support that facility.

Ms. Mallek expressed concern that this is putting staff in a box from her perspective, and they are stuck with the whole deciding ability because it will only come to the Board on rare occasions to take public comment. Mr. Fritz said that Tier III applications will still come before them.

Ms. Mallek said that they will never see the Tier I and Tier II applications, so she wants to make sure they have all of the details worked out now.

Ms. Palmer asked if the setbacks and agreement between adjacent property owners has to go into the deed, or how specifically that is recorded. Mr. Fritz stated that it said it needs to be in a form approved by the County Attorney's office.

Mr. Kamptner said that the County has a fairly standardized fall zone easement, which is the kind of document they look for.

Ms. Palmer asked how the new homeowner will find out, if the previous owner has given permission and signed an agreement. Mr. Kamptner said that a fall zone easement will be recorded, so it is in the chain of title, which will appear in the title search. He stated that the physical appearance of the structure close to the property line should also put the future purchaser on notice that they may want to pay attention to the title report.

Ms. Palmer said that the next door neighbors may not always see the pole.

Ms. Mallek said that if they do their job with screening, they may not know that it is there.

Mr. Davis said that under the current regulations, there will be a recorded easement, which will be reported to them when they purchase the property. He stated that the fall zone easement will provide the notice for people who are following the ordinance today.

Ms. Mallek asked what the “directionality” item was about. Mr. Fritz said that is related to the tree conservation area, which was mentioned back in April, and is not the same as the fall zone.

Mr. Kamptner said that the distance of the fall zone area is dependent upon the height of the facility.

Ms. Mallek asked about the changes they had discussed months ago regarding not allowing property that is outside of the control of the tower lease holder to be credited toward the screening. Mr. Fritz said that there is no change in the ordinance that deals with the tree conservation area at all, and that was a topic of a prior meeting but the Board directed staff not to pursue working on that – which was part of the larger phase two of items to work on.

Ms. Palmer stated that she wants to get some more clarity on the ARB and certificate of appropriateness, because she has gotten so many comments from constituents.

Mr. Fritz said that if the Board decides they want to adopt all of the provisions being proposed with the exception of the elimination of a certificate of appropriateness, staff can bring that to the Board in March. He said that when staff brings back the information about the mandated FCC changes, they will also ask the Board if they want to pursue the broader changes they had discussed before – so the certificate of appropriateness discussion can be addressed then.

Mr. Davis said that it will have to be a separate ordinance that will also have to go back before the Planning Commission.

Ms. Dittmar said that she wants to make sure that nothing here hurts the ability for cell towers to fit into this discussion, as they will continue to address lack of coverage. Mr. Fritz explained that the ordinance proposed new regulations for access roads that do not currently exist, and if the access road crossed critical slopes the applicant will have to come before the Board for a special exception. He said this can make it slightly more difficult to get a tower site approved in the rural areas of the County because it adds an additional review and some uncertainty.

Ms. Mallek said that this is the same as what homeowners encounter when they want to build a driveway across a steep slope. Mr. Fritz stated that it is not the same because the way it works now is, if there is no reasonable alternative, a wireless facility applicant could disturb critical slopes – but this proposed ordinance would remove that provision.

Ms. Dittmar asked if they will have to bring the entire ordinance back if they want to address the certificate of appropriateness issue. Mr. Davis said they can defer the ordinance adoption to March, or could just remove the changes regarding the ARB and adopt it now.

Ms. Mallek asked if there are others who want to keep this element of the ARB in, as she is happy to strike it.

Ms. Dittmar said that she does not like the critical slopes regulation if it has impact on their future infrastructure, and until they get their research done on what is necessary for fiber optics and cell capability, and she does not want to add to something they have to undo.

Ms. Mallek said that it would be much easier to undo it than to have miles of entrance roads put in where it is very steep, as the scarring of that is permanent.

Ms. Dittmar commented that it is currently allowed.

Ms. Mallek said that it is, and she would be happy to have it stopped. She stated that it is an important change to her to put the extra regulations in regarding critical slopes.

Ms. Mallek then **moved** to adopt the proposed ordinance, striking the provision to remove the requirements for the ARB’s involvement through the Certificate of Appropriateness. Ms. McKeel **seconded** the motion.

Mr. Kamptner clarified that what would be stricken would be sections 30.6.4 and 30.6.5, so the current ARB regulations are just be removed from the ordinance. He confirmed that things would just stay the way they are now.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, and Ms. Palmer.
NAYS: Ms. Dittmar and Mr. Boyd.
ABSENT: Mr. Sheffield.

Mr. Fritz said that previously the Board had authorized the ARB to develop standards for a countywide certificate of appropriateness, and asked if they want to allow the ARB to develop those, or to have it go to the entire ARB.

Ms. Palmer said that she would like to go back over some of what she has received today and be able to answer the question a bit more clearly. She asked staff to address Mr. Boldt's question about broadening the ability for appeal. Mr. Kamptner responded that there is no discretion to deny Tier I facilities, so they are simply building permits to which third parties have no right of appeal under Virginia law other than a very limited appeal for building permit issuance that is already granted by state statute. He said that for Tier II facilities, those are by-right approvals, and to the extent that they are viewed as a site plan review, they are subject to the section 32 regulations, and under state law for site plan reviews there is no third-party right of appeal. Mr. Kamptner said that they are considered by-right approvals, and public officials including the staff authorized to do this are presumed to be doing their job correctly. He said that the Tier III applications go first to the Planning Commission, then to the Board of Supervisors; so the right of public participation is provided and the notice is given to abutting owners, who may attend meetings and offer input. He stated that the items that have to be approved, such as the FCC mandates, leave no discretion for denial, and the ordinance that will be forthcoming in April intensifies that further.

Ms. Mallek asked what the situation will be when notice does not happen, as it seems that will be an appropriate place for being able to speak up, as there should be some other venue for input. Mr. Kamptner said that the County already provided more notice than what is required by state law, and they have a provision in the event errors are made in notice, it does not invalidate the act. He said that he is not sure what the process will be if someone has inadvertently failed to receive notice.

Mr. Fritz stated that staff will send them notice as soon as it is discovered.

Mr. Boyd asked if this is an issue that individual Supervisors can address with staff.

Ms. Mallek said that these are things that need to be talked about at an upcoming meeting, because something happens every six months or so that needs to be addressed.

Mr. Foley suggested that staff follow up with the question, communicate further with the Board, and narrow down the scope of the issue before bringing it back to them.

(The adopted ordinance is set out below:)

ORDINANCE NO. 15-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, and Article II, Basic Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
Sec. 5.1.40 Personal wireless service facilities

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

Mobile personal wireless service facility: A portable self-contained personal wireless service facility site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis.

...

Article II. Basic Regulations

Sec. 5.1.40 Personal wireless service facilities

The purpose of section 5.1.40 is to implement the personal wireless service facilities policy, adopted as part of the comprehensive plan. Each personal wireless service facility (hereinafter "facility") shall be subject to following, as applicable:

- a. *Application for approval:* Each request for approval of a facility shall include the following information:
 1. *Application form and signatures.* A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.

2. *Plat or survey of the parcel.* A recorded plat or recorded boundary survey of the parcel on which the facility will be located; provided, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Albemarle County Circuit Court deed book and page number.
3. *Ownership.* The identity of the owner of the parcel and, if the owner is other than a real person, the complete legal name of the entity, a description of the type of entity, and written documentation that the person signing on behalf of the entity is authorized to do so.
4. *Plans and supporting drawings, calculations and documentation.* Except where the facility will be located entirely within an existing structure or an existing building, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
 - (a) *Existing and proposed improvements.* The location and dimensions of all existing and proposed improvements on the parcel including access roads and structures, the location and dimensions of significant natural features, and the maximum height above ground of the facility (also identified in height above sea level).
 - (b) *Elevation.* The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the county engineer.
 - (c) *Design.* The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
 - (d) *Color.* Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample shall be provided for each color.
 - (e) *Topography.* Except where the facility would be attached to an existing structure or an existing building, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals not to exceed ten (10) feet for all lands within Albemarle County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Albemarle County.
 - (f) *Trees.* The caliper and species of all trees where the dripline is located within fifty (50) feet of the facility. The height, caliper and species of any tree that the applicant is relying on to provide screening of the monopole or tower. The height, caliper and species of the reference tree. The caliper and species of all trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.
 - (g) *Setbacks, parking, fencing, and landscaping.* All existing and proposed setbacks, parking, fencing and landscaping.
 - (h) *Location of accessways.* The location of all existing accessways and the location and design of all proposed accessways.
 - (i) *Location of certain structures and district boundaries.* Except where the facility would be attached to an existing structure or an existing building, residential and commercial structures, and residential and rural areas district boundaries.
 - (j) *Proximity to airports.* If the proposed monopole or tower will be taller than one hundred fifty (150) feet, the proximity of the facility to commercial and private airports.
5. *Photographs.* Photographs of the location of the proposed monopole or tower shall be provided that include, for applications for Tier II facilities, the reference tree, and for applications for Tier III facilities, the area within fifty (50) feet of the proposed monopole or tower. These photographs shall include reference points to enable the lease area, the vehicular access, the trees that will remain, and the trees that will be removed, to be identified, In addition, photographs, where possible, or perspective drawings of the facility site and all existing facilities within two hundred (200) feet of the site, if any, and the area surrounding the site.
6. *Balloon tests.* For any proposed monopole or tower, photographs taken of a balloon test, which shall be conducted, if requested by the agent, as follows:

- (a) *Scheduling.* The applicant shall contact the agent within ten (10) days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the application was submitted, and the applicant shall provide the agent with at least seven (7) days prior notice; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.
 - (b) *Marking key boundaries and locations.* Prior to the balloon test, the locations of the access road, the lease area, the tower site, the reference tree and the tallest tree within twenty five (25) feet of the proposed monopole shall be surveyed and staked or flagged in the field.
 - (c) *Balloon height.* The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
 - (d) *Balloon color or material.* The balloons shall be of a color or material that provides maximum visibility.
 - (e) *Photographing balloon test.* The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the agent. The applicant shall identify the camera type, film size, and focal length of the lens for each photograph.
7. *Additions of antennas.* If antennas are proposed to be added to an existing structure, existing building or an existing facility, all existing antennas and other equipment on the structure, building or facility, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
8. *Site under conservation or open space easement.* If the proposed facility would be located on lands subject to a conservation easement or an open space easement, a copy of the recorded deed of easement and the express written consent of all easement holders to the proposed facility.
9. *Photographic simulations.* At the request of the agent, photographic simulations of the proposed facility.
- b. *Applicability of other regulations in this chapter.* Except as otherwise provided in this subsection, each facility shall be subject to all applicable regulations in this chapter.
 1. *Building site.* Notwithstanding section 4.2.3(a), a facility is not required to be located within a building site.
 2. *Vehicular access.* Vehicular access to the lease area shall be subject to the requirements of section 4.2 and shall not be exempt under section 4.2.6(c).
 3. *Setbacks.* Notwithstanding section 4.10.3.1(b), the agent may authorize a facility to be located closer in distance than the height of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the county attorney as to addressing development on the part of the abutting parcel sharing the common lot line that is within the monopole or tower's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document.
 4. *Area, bulk and minimum yards.* Notwithstanding the requirements of the district in which the facility will be located, the area and bulk regulations, and the minimum yard requirements of the district shall not apply.
 5. *Required yards.* Notwithstanding section 4.11, a facility may be located in a required yard.
 6. *Site plan.* Notwithstanding section 32.2, a site plan shall not be required for a facility, but the facility shall be subject to the requirements of section 32 and the applicant shall submit all schematics, plans, calculations, drawings and other information required by the agent to determine whether the facility complies with section 32. In making this determination, the agent may impose reasonable conditions authorized by section 32 in order to ensure compliance.
- c. *Tier I facilities.* Each Tier I facility may be established upon approval by the agent of an application satisfying the requirements of subsection 5.1.40(a), demonstrating that the facility will be installed and operated in compliance with all applicable provisions of this chapter, and satisfying the following:

1. *Compliance with subsection 5.1.40(b).* The facility shall comply with the applicable requirements of subsection 5.1.40(b).
2. *General design.* The facility shall be designed, installed and maintained as follows: (i) guy wires shall not be permitted; (ii) outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded as required by section 4.17; provided that these restrictions shall not apply to any outdoor lighting required by federal law; (iii) any ground equipment shelter not located within an existing structure or an existing building shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the agent; (iv) a whip antenna less than six (6) inches in diameter may exceed the height of the existing structure or the existing building; (v) a grounding rod, whose height shall not exceed two (2) feet and whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of the facility, the existing structure or the existing building; and (vi) within thirty (30) days after completion of the installation of the facility, the applicant shall provide a statement to the agent certifying that the height of all components of the facility complies with this regulation.
3. *Antennas and associated equipment.* Antennas and associated equipment that are not entirely within a proposed facility, an existing facility, an existing structure, or an existing building shall be subject to the following: (i) the total number of arrays of antennas shall not exceed three (3), and each antenna proposed under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (ii) no antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the facility, structure or building; and (iii) each antenna and associated equipment shall be a color that matches the facility, structure or building. For purposes of this section, all types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.
4. *Tree conservation plan; content.* Before the building official issues a building permit for the facility, the applicant shall submit a tree conservation plan prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to ensure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, identify all existing trees to be removed on the parcel for the installation, operation and maintenance of the facility, and identify all dead and dying trees that are recommended to be removed. In approving the plan, the agent may identify additional trees or lands up to two hundred (200) feet from the lease area to be included in the plan.
5. *Tree conservation plan; compliance; amendment.* The installation, operation and maintenance of the facility shall be conducted in accordance with the tree conservation plan. The applicant shall not remove existing trees within the lease area or within one hundred (100) feet in all directions surrounding the lease area of any part of the facility except for those trees identified on the plan to be removed for the installation, operation and maintenance of the facility and dead and dying trees. Before the applicant removes any tree not designated for removal on the approved plan, the applicant shall submit and obtain approval of an amended plan. The agent may approve the amended plan if the proposed tree removal will not adversely affect the visibility of the facility from any location off of the parcel. The agent may impose reasonable conditions to ensure that the purposes of this paragraph are achieved.
6. *Discontinuance of use; notice thereof; removal; surety.* Within thirty (30) days after a facility's use for personal wireless service purposes is discontinued, the owner of the facility shall notify the zoning administrator in writing that the facility's use has discontinued. The facility shall be disassembled and removed from the site within ninety (90) days after the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) whether there is a change in technology that makes it likely that the monopole or tower will be unnecessary in the near future; (ii) the permittee fails to comply with applicable regulations or conditions; (iii) the permittee fails to timely remove another monopole or tower within the county; and (iv) whenever otherwise deemed necessary by the agent.
7. *Creation of slopes steeper than 2:1.* No slopes associated with the installation of the facility and its accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the county engineer are employed.

8. *Ground equipment shelter; fencing.* Any ground equipment shelter not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; and (iii) would not be detrimental to the public health, safety or general welfare.
- d. *Tier II facilities.* Each Tier II facility may be established upon approval by the agent of an application satisfying the requirements of subsection 5.1.40(a) and demonstrating that the facility will be installed and operated in compliance with all applicable provisions of this chapter, and satisfying the following:
 1. *Compliance with subsections 5.1.40(b) and 5.1.40(c).* The facility shall comply with the applicable requirements of subsection 5.1.40(b) and with the requirements of subsections 5.1.40(c)(2) through (8).
 2. *Screening and siting to minimize visibility.* The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also shall be sited to minimize its visibility from any entrance corridor overlay district, state scenic river, national park or national forest, regardless of whether the site is adjacent to the district, river, park or forest. If the facility would be located on lands subject to a conservation easement or an open space easement, or adjacent to a conservation easement or open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.
 3. *Open space plan resources.* The facility shall not adversely impact resources identified in the county's open space plan.
 4. *Horizontal separation of multiple facilities.* The facility shall not be located so that it and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet.
 5. *Diameter of monopole.* The maximum base diameter of the monopole shall be thirty (30) inches and the maximum diameter at the top of the monopole shall be eighteen (18) inches.
 6. *Height of monopole.* The top of the monopole, measured in elevation above mean sea level, shall not be more than ten (10) feet taller than the tallest tree within twenty-five (25) feet of the monopole, and shall include any base, foundation or grading that raises the monopole above the pre-existing natural ground elevation.
 7. *Color of monopole, antennas and equipment.* Each monopole shall be a dark brown natural or painted wood color that blends into the surrounding trees. The antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole. The ground equipment, the ground equipment shelter, and the concrete pad shall also be a color that closely matches that of the monopole, provided that the ground equipment and the concrete pad need not closely match the color of the monopole if they are enclosed within a ground equipment shelter or within or behind an approved structure, façade or fencing that: (i) is a color that closely matches that of the monopole; (ii) is consistent with the character of the area; and (iii) makes the ground equipment, ground equipment shelter, and the concrete pad invisible at any time of year from any other parcel or a public or private street.
 8. *Placement of cables, wiring and similar attachments.* Each wood or concrete monopole shall be constructed so that all cables, wiring and similar attachments that run vertically from the ground equipment to the antennas are placed on the monopole to face the interior of the site and away from public view, as determined by the agent. Metal monopoles shall be constructed so that vertical cables, wiring and similar attachments are contained within the monopole's structure.
 9. *Building permit application; submitting certification of monopole height and revised plans.* The following shall be submitted with the building permit application: (i) certification by a registered surveyor stating the height of the reference tree that is used to determine the permissible height of the monopole; and (ii) a final revised set of plans for the construction of the facility. The agent shall review the surveyor's certificate and the plans to ensure that all applicable requirements have been satisfied.
 10. *Completion of installation; submitting certifications of monopole and lightning rod height.* The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's

height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.

11. *Notice.* Notice of the agent's consideration of an application for a Tier II facility shall be sent by the agent to the owner of each parcel abutting the parcel on which the proposed facility will be located. The notice shall describe the nature of the facility, its proposed location on the lot, its proposed height, and the appropriate county office where the complete application may be viewed. The notice shall be mailed by first class mail or hand delivered at least ten (10) days before the agent acts on the application. Mailed notice shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. The failure of an owner to receive the notice as provided herein shall not affect the validity of an approved facility and shall not be the basis for an appeal.
 12. *Disapproval of application; appeal.* If the agent disapproves an application, he shall identify which requirements were not satisfied and inform the applicant what needs to be done to satisfy each requirement. The applicant may appeal the disapproval of an application to the board of supervisors. An appeal shall be in writing and be received in the office of the clerk of the board of supervisors within ten (10) calendar days after the date of the disapproval by the agent. In considering an appeal, the board may affirm, reverse, or modify in whole or in part, the decision of the agent, and its decision shall be based upon the requirements delineated in this subsection (d).
 13. *Agent approval of increase in height of monopole based on increase in height of reference tree.* Upon the written request of the applicant, the agent may authorize the height of an existing Tier II facility's monopole to be increased above its originally approved height upon finding that the reference tree has grown to a height that is relative to the requested increase in height of the monopole. The application shall include a certified survey of the reference tree's new height, as well as the heights of other trees to be considered by the agent. The agent shall not grant such a request if the increase in height would cause the facility to be skylighted or would increase the extent to which it is skylighted.
- e. *Tier III facilities.* Each Tier III facility may be established upon approval of a special use permit by the board of supervisors, initiated upon an application satisfying the requirements of subsection 5.1.40(a) and section 33.4, and it shall be installed and operated in compliance with all applicable provisions of this chapter and the following:
1. The facility shall comply with the applicable requirements of subsections 5.1.40(b), the requirements of subsections 5.1.40(c)(2) through (8), and the requirements of subsections 5.1.40(d)(2), (3) and (7), unless modified by the board of supervisors during special use permit review.
 2. The facility shall comply with all conditions of approval of the special use permit.
- f. *Collocation, replacement or removal.* Any collocation, replacement or removal of antennas or equipment is subject to the following:
1. *Collocation or replacement that would not substantially change the physical dimensions of a facility approved as a Tier I, II or III facility.* Upon receipt by the agent of an application satisfying the requirements of subsections 5.1.40(a)(1), (3), (4) and (7), any collocation or replacement that would not substantially change the physical dimensions of an existing facility approved as a Tier I, II or III facility shall be approved by the agent. The agent shall approve the application regardless of whether the proposed antennas or equipment are different from those shown on, or were not shown on, the previously approved application under subsection 5.1.40(a)(4)(c) or any condition imposed in conjunction with a special use permit for a Tier III facility.
 2. *Collocation or replacement that would substantially change the physical dimensions of a facility approved as a Tier I, II or III facility.* Any collocation or replacement that would substantially change the physical dimensions of an existing facility approved as a Tier I, II or III facility shall be reviewed and acted upon as a Tier I, II or III facility, as applicable.
 3. *Collocation or replacement that would not substantially change the physical dimensions of a facility approved by special use permit prior to October 13, 2004 or a facility that is a nonconforming structure.* Upon receipt by the agent of an application satisfying the requirements of subsections 5.1.40(a)(1), (3), (4) and (7), any collocation or replacement that would not substantially change the physical dimensions of an existing facility approved by special use permit prior to October 13, 2004 or that is a nonconforming structure shall be approved by the agent. The agent shall approve the application regardless of whether the proposed antennas or equipment are different from those shown on any plans approved or condition imposed in conjunction with a special use permit.

4. *Collocation or replacement that would substantially change the physical dimensions of a facility approved by special use permit prior to October 13, 2004 or a facility that is a nonconforming structure.* Any collocation or replacement that would substantially change the physical dimensions of an existing facility approved by special use permit prior to October 13, 2004 or that is a nonconforming structure shall be subject to, reviewed and acted upon as a Tier I, II or III facility, as provided in subsection 5.1.40(g)(2).
 5. *Removal of antennas or equipment on any Tier I, II or III facility, any facility approved by special use permit prior to October 13, 2004 or any facility that is a nonconforming structure.* Any antennas or equipment on any existing Tier I, II or III facility, any existing facility approved by special use permit prior to October 13, 2004 or that is a nonconforming structure may be removed as a matter of right and regardless of any special use permit condition providing otherwise.
 6. *Meaning of "collocation or replacement that would not substantially change the physical dimensions of an existing facility."* A collocation or replacement that would not substantially change the physical dimensions of an existing facility is any change to the physical dimensions of an existing facility that is not within five hundred (500) feet of a dwelling unit located on a parcel under different ownership than the parcel on which the facility is located, that would: (i) add one or more antennas to the facility provided that the requirements of subsections 5.1.40(c)(1), (2), (3), (6) and (8) are satisfied; (ii) replace an existing monopole or tower with a monopole or tower of an equal or lesser height, provided that the requirements of subsection 5.1.40(d) (1), (5), (7), (8) and (10) are satisfied; (iii) replace an existing treetop facility with a monopole that is not more than ten (10) feet taller than the reference tree, provided that the requirements of subsection 5.1.40(d) (1), (5), (7), (8) and (10) are satisfied; (iv) strengthen an existing monopole or tower without the use of guy wires, provided that the requirements of subsection 5.1.40(d)(5), (7) and (8) are satisfied; or (v) expand the lease area or add ground equipment either within or outside of a ground equipment shelter, provided that the expanded lease area does not exceed twice the square footage of the original lease area, and further provided that the requirements of subsections 5.1.40(c)(7) and 5.1.40(d) (2), (4), (5), (8) and (9) are satisfied. Any change to the access to the facility that results in the removal of any tree shall be deemed to be a substantial change to the physical dimensions of an existing facility.
- g. *Administration of special use permits for facilities approved prior to October 13, 2004.* The following applies to the administration of any special use permit for an existing facility approved prior to October 13, 2004:
1. *Conditions.* If any condition of the special use permit is more restrictive than a corresponding standard in subsection 5.1.40(c) or (d), the corresponding standard in subsection 5.1.40(c) or (d) shall apply. If any condition of the special use permit is less restrictive than a corresponding standard in subsection 5.1.40(c) or (d) and the applicant establishes that vested rights have attached to the approved facility, the special use permit conditions shall apply.
 2. *Change to a facility that would substantially change the physical dimensions of a facility approved by special use permit prior to October 13, 2004.* Any proposed change to a facility that would substantially change the physical dimensions of the facility approved by special use permit prior to October 13, 2004 under subsection 5.1.40(f)(4) shall be subject to the procedures and standards for a Tier II facility if the facility would qualify as a Tier II facility, or a Tier III facility if the facility would not qualify as a Tier II facility.
 3. *Effect of changes.* Any change to a facility by collocation or replacement under subsection 5.1.40(f)(3) shall not reclassify the facility as a Tier I, II or III facility. Any change to a facility by collocation or replacement under subsection 5.1.40(g)(2) shall reclassify the facility as a Tier II or Tier III facility, as applicable. If the facility is approved as a Tier II facility, the prior special use permit conditions shall have no further force or effect.
- h. *Time for action.* Each action on an application for a Tier I, II or III facility shall be taken within the following periods:
1. *Applications for Tier I and Tier II facilities and applications for existing Tier III facilities that would not substantially increase the size of an existing monopole or tower.* Any application for a Tier I or Tier II facility, and any application for an existing Tier III facility that would not substantially increase the size of the existing monopole or tower, shall be approved or disapproved within ninety (90) days, as calculated under subsection 5.1.40(h)(3).
 2. *Applications for new Tier III facilities and applications for existing Tier III facilities that would substantially increase the size of an existing monopole or tower.* Any application for a Tier III facility, and any application for an existing Tier III facility that would substantially increase the size of an existing monopole or tower, shall be approved or disapproved within one hundred fifty (150) days, as calculated under subsection 5.1.40(h)(3).

3. *Calculating the time for action.* The time for action on an application shall be calculated as follows:
 - (a) *Commencement.* The time for action under subsection 5.1.40(h)(1) or (h)(2) shall begin on the date the application is received in the department of community development.
 - (b) *Determination of completeness.* Within thirty (30) days after the application is received, the department of community development shall determine whether the application includes all of the applicable information required under subsections 5.1.40(a) through (e). If any required information was not provided, the department shall inform the applicant within the thirty (30) day period about which information must be submitted in order for the application to be determined to be complete.
 - (c) *Tolling.* The running of the time for action under subsection 5.1.40(h)(1) or (h)(2) shall be tolled between the date that the department informs the applicant that its application is incomplete under subsection 5.1.40(h)(3)(b) and the date on which the department receives all of the required information from the applicant.
 - (d) *Extension of running of time for action.* The time by which action must be taken under subsection 5.1.40(h)(1) or (h)(2) may be extended upon request by, or with the consent of, the applicant.
 4. *Effect of failure to approve or disapprove within time for action.* The failure to approve or disapprove an application within the time for action shall not be deemed to be approval of the application but, instead, shall only create a rebuttable presumption that the failure to timely act was not reasonable under 47 U.S.C. § 332(c)(7)(B)(ii).
 5. *Meaning of “substantially increase the size of an existing monopole or tower”.* The phrase “substantially increase the size of an existing monopole or tower” means: (i) the mounting of the proposed antenna would increase the height of the monopole or tower by more than ten (10) percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; (ii) the mounting of the proposed antenna would include installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new ground equipment shelter; (iii) the mounting of the proposed antenna would involve adding an appurtenance to the body of the monopole or tower that would protrude from the edge of the monopole or tower more than twenty (20) feet, or more than the width of the monopole or tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth herein if necessary to shelter the antenna from inclement weather or to connect the antenna to the monopole or tower by cable; or (iv) the mounting of the proposed antenna would involve excavation outside the current boundaries of the leased or owned property surrounding the monopole or tower and any access or utility easements currently related to the site.
- i. *Mobile personal wireless service facilities.* Mobile personal wireless service facilities (“MPWSF”) shall not be subject to any requirements of section 5.1.40, and are otherwise permitted by right in any zoning district, subject to the following:
1. *Zoning clearance required; temporary non-emergency event.* The owner shall obtain a zoning clearance under section 31.5 prior to placing a MPWSF on any site for a temporary non-emergency event. The MPWSF may be placed on the site for a maximum of seven (7) consecutive days, and shall not be placed on any site for any temporary non-emergency event more than twice in a calendar year.
 2. *Zoning clearance required; declared state of emergency.* If a state of emergency is declared by the president of the United States, the governor of the Commonwealth of Virginia, or the board of supervisors, the owner shall obtain a zoning clearance under section 31.5 within forty-five (45) days after placing a MPWSF on any site. The MPWSF may be placed on the site for the duration of the state of emergency.

Non-Agenda. The Board recessed their meeting at 8:50 p.m., and reconvened at 9:09 p.m.

Agenda Item. No. 12. Update on renovations and upgrades at the Charlottesville-Albemarle Airport and presentation on new “Good Neighbor Policy.”

Ms. Melinda Crawford, Airport Director, addressed the Board, stating that the airport serves as the front door and gateway to the community, serving about 500,000 passengers last year – inbound and outbound. Ms. Crawford said that the airport is celebrating its 60th anniversary this year, and with that is

undertaking some great projects as part of that. She stated that those projects are done with assistance from the Federal Aviation Administration and the Virginia Department of Aviation, and from money generated on the airport – but no local tax dollars. Ms. Crawford said that airport volume has grown 22% in the last 10 years, as people are choosing to fly in and out of CHO. She reported that the airport has just completed its runway extension, which began in 2006 and was substantially completed in 2014, with a few remaining adjustments needed to the navigational system. Ms. Crawford said that if they had not done the project, they would not have been able to maintain their air service – and the 6.5% growth in the previous year would not have been possible without the runway extension.

Ms. Crawford reported that the CHO terminal was built in the 1990s, and after 9-11, the Transportation Safety Agency came in and required that the airport put most of its screening in the rotunda. She said that they are beginning a new \$4 million project that will be funded 89.5% by VDOT, with the remaining coming from the airport. Ms. Crawford said that they will also be installing a family restroom in the pre-screening and post-screening areas. She stated they want to maintain the historical integrity of the building design, so as they move forward, the TSA office will be moved and the queue for the passenger screening will no longer cross the exit lane. Ms. Crawford explained that when passengers go in through the queue, they will come in through screening and exit to the right of the screening area. She said that there will also be a new food and beverage vendor, and on the lower level they will be redoing their exit lane and expanding their bathrooms so they can close off one side for cleaning and leave one side open. Ms. Crawford stated that passengers are choosing to fly CHO, and they want to make certain they have the best facilities possible for passengers. She said that on the upper level, with the merger of U.S. Airways and American Airlines, there will be about 60% of passengers on the upper level, and will be expanding their bathrooms there along with adding a new business center and a new retail area. Ms. Crawford said that during good weather, the food vendor will serve food and beverages on the operations deck. She stated that the terminal renovations will also include installation of charging stations throughout the lower and upper levels, and they will be expanding the lower level of the concourse to include additional seating.

Ms. Crawford reported that the airport worked through the Virginia Resource Authority and got a bond to fund the construction of a new parking lot in this area that will become the new employee lot, and they will expand some of the existing lots. She stated that this is absolutely necessary, as the lots have been opened for about 15 years and need to be rehabilitated, which cannot be done without a new surface lot that will allow for temporary displacement of parkers in another lot. Ms. Crawford noted that parking was their #1 revenue source. She stated that employees will no longer be entering off of the loop coming into the facility, they will be entering and exiting off of Dickerson Road, which will help alleviate traffic off of the loop road and in front of their terminal. Ms. Crawford reported that one of the other plans for the airport was the rehab of the runway and taxi-way. CHO has been there since 1955 and has had two runway rehabilitations – in the early 1970s, the airport closed down for 30 days, which will not be an option now. In the 1990s, they did about 300-400 feet per night, and the project took about three months to be completed. She stated that the new rehabilitation will require that the airport be closed every night for a couple of months – or close down for one complete weekend as they did in the tri-city airport in Tennessee.

Ms. Crawford said that this project will likely be the first one to actually go through all of the steps of CHO's good neighbor policy, which will address some of the issues related to blasting and will open lines of communications with the Board and City Council. She said that the policy will also ensure the Airport Authority Board members are informed before making any decisions about how they will be spending capital dollars, and that they will know about any noise or blasting related to projects, before those projects are approved in the airport capital plan. Ms. Crawford said that if there is any project that would generate off-airport noise or any other condition that might be impacting neighbors, the airport will ask that they be able to present the project to the Board and Council so they can review it prior to going forward. She stated that the airport will also do public notifications and meetings, and they have asked local neighborhood associations to let the airport come visit and explain any project that is pending. Ms. Crawford said that if the project had any type of blasting activity at all, it will require the pre-blast assessment within 1,000 feet, which is the current regulation, or whatever the Commonwealth required.

Ms. Crawford stated that CHO is a great airport, supported by nine counties, and was one of only three airports in Virginia that had growth in 2014.

Ms. Mallek said that she was born in 1950 and grew up in the area, and when she was little her family would go and watch the planes take off. She stated that she really appreciates the work that has been done with the good neighbor policy, and complimented Ms. Crawford on the runway extension project.

Ms. Palmer also complimented Ms. Crawford on the airport and their work, stating that she travels in and out of there with reasonable frequency. She asked if the airport has ever considered a parking deck, because the area around the facility is so pretty.

Ms. Crawford said that they have considered a parking deck, and when they started looking at the surface lot they met with County engineers and ARB members, but found that they cannot do a deck until they add additional parking, because there would be nowhere to move them to in order to get to that phase. She stated that they must take the \$2 million step and expand by about 190 parking spots, if they ever want to get to a deck. Ms. Crawford said that airport capacity will warrant the addition of a deck, and if the public continued to use CHO and continue to ensure they are viable with other airports, then they will be moving in that direction. If not, she said, it will still be a fine airport with a lot of great services for a

community this size. Ms. Crawford stated that there are about 450 commercial airports across the country, and CHO was about the 167 to 170 largest airport based on in-plane passengers.

Ms. McKeel stated that the work being done at the airport is wonderful, and at least two to three times a week there are people from her office at UVA flying in or out of the airport, and all remark on how wonderful it is – but they will be happy to have some food out there.

Ms. Crawford said that the airport has a good partnership with the existing concessioner, but they put out the food service to RFP and were fortunate to get a response from a company that wants to put in multiple locations.

Ms. Mallek asked if the taxi collaborative is working well. Ms. Crawford stated that it works extremely well, and there are times when flights get canceled and taxis are called to another location – and it takes time to get another group of taxis in, so there might be a lag. She stated that it is great to have a partnering organization where drivers are drug tested and have adequate insurance and accept credit cards, and have regulated fares. She noted that there had been great discrepancies in cab fares, with one traveler to Waynesboro spending \$70 one week and \$140 the next.

Ms. Dittmar asked where landing fees are ranked, as well as private aviation leases. Ms. Crawford responded that they have just finished their audit, and for FY14, their cost to the airline was \$3.99 per in-plane passenger; Roanoke's was \$6.50. She said that the airport ran with a very lean staff, with only 32 airport authority employees, including parking lot personnel, public safety, maintenance and other staff.

Ms. Dittmar thanked her for the airport's work and her leadership.

Agenda Item. No. 13. YMCA Funding.

Mr. Kurt Krueger, YMCA Board Chair, addressed the Board and introduced the new YMCA Executive Director Jessica Maslaney, who previously worked for the Y, having run the youth sports programs and working as site director in Crozet. Mr. Krueger said that it has been seven years since he has made a report to the Board, and that was in connection with obtaining the use agreement for the YMCA, which was part of the ground lease. He stated that the YMCA has a ground lease with the City of Charlottesville for a space of about five acres in McIntire Park, and a use agreement with the City, the County and the YMCA, which outlines the parameters under which they will run the facility. Mr. Krueger said that it also provides that the facility be open to any City or County resident, and also contains the City's promise to provide \$1,250,000 if they build a competitive size swimming pool and allow access for the CHS swim team, which is in the Y's plans. He stated that the use agreement also contains the County's promise to provide \$2,030,000 when they build the facility.

Mr. Krueger reported that the agreements were executed in early January 2008, and in May 2010 a small group of private fitness club owners led by ACAC filed a lawsuit against the City and County, challenging the procurement process and the gifts that were made pursuant to the use agreement – even though the localities had not yet funded those gifts. He stated that this lawsuit was filed and heard in Albemarle County Circuit Court, and it was defended by Mr. Kamptner and the City Attorney, and ultimately the court ruled in favor of the City and the County and dismissed the case. Mr. Krueger said that the Y was sitting down with the contractors to negotiate a construction contract when they found out that the private health club owners had appealed that ruling to the Supreme Court, which had decided to take that case. He stated that in August 2011, the higher court took that appeal, and eventually rendered a decision in favor of the City and the County. Mr. Krueger said that during that process, they were hindered from moving forward, and it was impossible to raise capital dollars for a project like this when the mere existence of it was the subject of a lawsuit before the Virginia Supreme Court. He stated that the Y went back to the City to ask for a deadline extension on the ground lease to do their groundbreaking, with the initial ground lease providing 60 months from the signing of the lease. He said that the 60 months was for the purpose of allowing the Y to actually design the building, then put the project out to bid so they would have an idea of cost, then negotiate with a bank to see how much extra funding they needed over and above what they had raised in terms of capital, which included the City and the County gifts, so they could pay the construction costs and operate the building. Once they had that in place, Mr. Krueger said, they had to put together a financial plan as required to be submitted to the City Manager for concurrence. He emphasized that these are building block steps, with each one necessary for completion before the next could be done.

Mr. Krueger said that after the Supreme Court dismissed the appeals, in January 2013, the Y got updated construction costs from Lockridge Construction Company – a Richmond-based firm that had built a lot of YMCAs in Virginia – and that cost came in at \$14.8 million. He stated that the Y then took the figure to various lenders to obtain construction financing and bridge the gap between the money they had already raised and the total project costs of \$18.5 million. Mr. Krueger said that the Y obtained a commitment letter from Union First Market Bank in early 2013 for a \$12.3 million loan, which would have been enough to allow them to go forward, and the loan was contingent on Union being able to participate that loan – to gather together a group of four other banks, which would take a portion of that money and loan it. He explained that the Y's ground lease prevents them from pledging their interest as a ground-lease tenant to the bank, so there is no collateral – building or real estate – that secures the loan. Mr. Krueger said that they could pledge their membership revenues to help secure the loan, they will not have that revenue until they build the building, and at that point the bank is fully funded. To ameliorate that risk, he said, the bank wanted to participate the loan, but when Union First and Stellar One decided to

merge, they ended up concentrating the risk rather than spreading it out. Mr. Krueger said that they finished the merger at the end of the year, and the Y went back to work with the bank. In the meantime, he said, the construction costs continued to climb, and at the end of 2013 the Y put together a new financial plan and gave it to the City Manager, who approved it. Mr. Krueger said that at this point, the bank demanded additional security in the form of guarantees for the loan – which the Y did for \$5 million of the \$12 million through guarantees from private individuals. He stated that the bank provided a commitment letter and decided they would loan \$7 million directly to the Y, and then make a series of individual loans totaling \$5 million to the guarantors, who would in turn loan that money to the Y, so the bank would have a direct obligation in the form of a promissory note. Mr. Krueger said that two of the guarantors were happy with that; a third guarantor was not willing to put a direct obligation on his balance sheet.

In December, he said, the Y asked the City for an extension of their groundbreaking lease requirement, and in their January meeting Council agreed to give them until January 15, 2016 in order to break ground. Mr. Krueger said that they also looked to replace the guarantor, and they could find one or more additional guarantors or raise additional capital dollars to replace that, and lower the amount of loan proceeds needed. He stated that they have focused on the raising of money as opposed to replacement of guarantors, and to date have raised an additional \$800,000 of the necessary \$3 million. Mr. Krueger said that they will then present the financial plan to the City and get their concurrence one last time, then close the loan and start. He stated that if project costs do not significantly increase, they will actually be borrowing less money. Mr. Krueger said that Davenport and Company has provided significant input into the Y's financial plan, and a lot of professionals have looked at their plan and their projections.

Mr. Krueger stated that the YMCA would like the Board to stay the course with them and keep the \$2,030,000 in the CIP budget, as they would like to be able to use it before the end of the year and actually start the project.

Ms. Palmer asked for clarification on the capital cost decrease. Mr. Krueger explained that if they replaced their \$3 million guarantee with direct funding raised from donors, then this will lower the amount of the loan they have to have – which should make it more favorable to the bank.

Mr. Boyd asked how much more they needed to raise beyond the \$800,000. Mr. Krueger explained that they had lost a \$3 million guarantee, so they will have to raise the remainder of that beyond the \$800K.

Mr. Boyd commented that raising that amount in less than a year, in these times, was a pretty tall order.

Mr. Krueger said that they found out in September, and got their \$800,000 by December. He said that it was a tall order, but they think they can do it. He stated that the community was perturbed by the setbacks that the Y has had, including the fitness clubs' lawsuit, and the Y is beginning to see some rebounding from that.

Ms. McKeel stated that the YMCA works from families joining and memberships, and asked if they have a sense of the interest currently out in the community.

Mr. Krueger said that both the City and County have done needs studies, and the YMCA did their own needs study through the Winfield Group, and found that in order to make this work – to pay the debt, and pay maintenance and operating costs – they will need about 4,000-4,500 membership units. He stated that Winfield's projections coupled with the individual responses to the needs studies show that there is potential for 7,500-8,000 membership units at this facility, which the Y could not even fully accommodate. Mr. Krueger said that in Crozet, with the branch facility there that opened on Memorial Day 2012, they hoped to get between 400-450 membership units by the end of that year; by July 4th weekend, they had 500 membership units. He stated that they now have between 750-900 members at the Crozet facility, which equates to serving 2,500-2,800 people just in Crozet.

Ms. Palmer asked what their membership would cost. Mr. Krueger said that he has not updated the financial plan since August 2014 and had not brought those figures, but the cost was significantly less than private health clubs and is relatively equivalent to what the City charges for the Smith Aquatic Center. He stated that it has been the YMCA's policy, as reflected in the use agreement, that no one is turned away for membership due to financial reasons.

Mr. Boyd asked if he could provide a printed copy of the financial plan. Mr. Krueger responded that he will make sure they get a paper copy, and the most recent version sent to the Board is the one submitted to the City in August, which has not yet been updated. He explained that as a building block process, he had to raise the extra money, then update the construction pricing again, then make sure the bank was funding at the anticipated level. Mr. Krueger noted that if interest rates have changed since August, the debt service will also change; if the cost of the project has changed since August that will also change. He said that they do not expect any significant changes, and the financial plan has been adjusted for the contract cost of the building as of August. Mr. Krueger said that for Lockridge to provide a firm estimate that can be included in a financial plan is an enormous undertaking, as he must contact all of the subcontractors, who each have to update their prices, then he has to correlate all of that. He stated that they must ask for that eventually, but they cannot call him up every week to see where things stood because it is an enormous undertaking for a project this size.

Ms. Dittmar asked for clarification of the money raised thus far. Mr. Krueger said that with the bank loan of \$12.3 million and the price they had last summer, and the guarantees, they would have had enough to start construction – but with the loss of the \$3 million guarantee, the bank will not loan that amount until they replace it. He stated that they can either find guarantors or raise money and lower the amount to be borrowed.

Ms. Dittmar asked if they have the amount of cash necessary to put down for construction. Mr. Krueger said that with the City's \$1.25 million and the County's \$2.030 million, and the Board money raised of \$2 million, along with other contributions, totals \$9 million. He stated that they spent over \$1 million on design work and have spent a big portion of that \$9 million on soft costs, but they had enough to do the project in August had their grantor not backed out.

Ms. Dittmar asked if they have enough real cash to say that they were financially viable, except for the \$3 million. Mr. Krueger confirmed that is the case, as long as construction costs stay the same.

Ms. Dittmar asked if the needs assessments are the original ones done in 2008. Mr. Krueger explained that the County's was done in 2006-07, the City's was done in 2004-05, and the independent Winfield study was done in 2003. He said that they projected out through 2015, which is where they are now, and in looking at the factual assumptions they are still somewhat correct in terms of what will happen and what they thought was going to happen. Mr. Krueger said that the trend today is not to build neighborhood facilities, and instead to build a mega-facility, especially for cities, because they are phenomenally expensive to build and staff and run. He stated that the County's study recommended a centralized large facility, and McIntire Park is about as central to the County as you can get. Mr. Krueger said that the study also predicted that they would need to do something in Crozet, which we have already done.

Ms. Dittmar asked if the bank will require another needs assessment. Mr. Krueger said that they will not, and explained that they will rely on data from the Y-USA, which every YMCA in the U.S. is a member of, which keeps track of what size of communities the Ys are located in, what sort of private health and municipal health facilities they have, and what source of membership and revenue they can generate. He noted that the County's needs assessment basically said that there is a need for 155,000 additional square feet of indoor recreation space and pool space, and this facility will be 77,000; Crozet is about 23,000 square feet; Smith Aquatic Center was not really an expansion, and the Boys & Girls Club facility added 20,000 square feet.

Ms. McKeel stated that as a member of the School Board, it is obvious that the need is huge among families, especially swimmers, with approximately 2,000 children at the UVA Aquatic Center participating in events. She stated that swimming is huge in this community, and there really is not an adequate facility for it, adding that she admired the YMCA's tenacity in moving forward with this project despite its challenges.

Mr. Krueger said that he has served on the YMCA Board for almost 20 years, and they have a group of people who are very dedicated and really want to make this happen.

Mr. Boyd asked if the list of contributions and pledges included in the report is up to date, as it shows \$4,894,000. Mr. Krueger responded that it will not reflect the additional \$800,000 they have raised since September. He said that they have retained Davenport to produce that report, and he does not want to spend their capital on another update, but he will be happy to update that information himself.

Ms. McKeel asked what the YMCA wants from the Board at this point. Mr. Krueger said that there is no action for them to take or for them to vote on, but County staff will be proposing a CIP budget to them – and in the past, that has included the \$2,030,000 that the Board had agreed to provide the YMCA under their use agreement. He stated that the issue is whether or not to keep that in the next CIP budget, recognizing that the Y is hoping to actually use it this year. Mr. Krueger said that Parks and Rec Director Bob Crickenberger will also recommend that they keep it in the CIP budget, which will come before them in March or April.

Mr. Foley stated that it will be March or April, and the Board will be asked whether they want to reappropriate it and carry it over. He said that during the CIP budget discussion, this issue can be discussed, and staff will show the balances of projects that are still on the table.

Ms. McKeel said that by that time, Mr. Boyd will have the information he has requested.

Mr. Boyd said that it was important to him to get this information, and it seems that they need to raise a million in 2014 and another million in 2015.

Mr. Krueger said that what is currently in the report may be a projection of receipts from pledges they already have, because when they started raising the money in 2007 they have already collected a lot of their five-year pledges. He stated that the bank wanted to know how much was collected already, and how much they were expecting to collect over the construction period that can be used and applied to construction expenses, and that will leave the amount needed from the bank to make up the difference.

Mr. Foley said that staff can work with Mr. Krueger to respond to Mr. Boyd's question, based on the way they typically look at projections and where they are with the current status.

The Board thanked Mr. Krueger for his report.

Agenda Item. No. 14. Community Development Work Program.

The executive summary forwarded to the Board states that the Community Development Department (CDD) annually reviews its past year's work accomplishments and seeks Board direction on priorities for its upcoming annual work program. This was last done in February 2014 when the CY 2013 CDD work program was reviewed and the CY 2014 work program discussed. A copy of that executive summary is provided as Attachment A. The work program review assures CDD's efforts are consistent with the Board's priorities. The program includes a four year schedule to accommodate initiatives that will require more than one year to complete or that must be delayed, usually due to resource limitations. Unlike prior years, staff is not requesting Board endorsement of a work program at this time, but is requesting Board direction on the prioritization of efforts outside of the Comprehensive Plan. Those priorities will then be combined with priorities established as part of the Board's review of the Comprehensive Plan over the next couple of months. The goal is to combine direction provided by the Board at this meeting with the Comprehensive Plan priorities and return to the Board in May for endorsement of the FY16 work program.

Staff is following the same process to develop this work program as used in prior years. This starts with a review of development trends and 2014 work program progress, and is followed by outlining possible priorities for the FY16 thru FY19 period. Development trends are used to determine how much staff time will likely be available for the work program, recognizing that most development applications are given priority in order to maintain compliance with mandates. That is followed by looking at the progress made on the prior year's work program and items that may need to be carried forward. Finally, this information is combined with newly identified issues, and the work program is drafted based on the projected available resources.

Staff has expanded the development activity review to include the period of 2005-2014 at the request of the Planning Commission in order to compare pre-recession workload with current trends. While the workload in some areas continues to be much lower than the pre-recession levels, staff cautions that CDD had 22 more positions in 2007, and the workload for site plans and subdivisions was so high from 2004 to 2007 that CDD was experiencing a 25% - 30% annual turnover in the positions responsible for reviewing those applications. Generally, the workload for immediate development continues to be strong and the workload for future development appears relatively weak by comparison. The market appears to be continuing to focus on using existing inventory rather than creating new inventory. Based on this, CDD anticipates being able to dedicate the staff time of 2 to 3 FTEs for the work program in FY16.

A copy of the 2014 Work Program is provided as Attachment C. Among the items successfully completed are the VSMP (stormwater) program, a steep slopes ordinance, and a flood hazard overlay ordinance. Zoning text amendments for farm breweries, events and activities at agricultural operations, and offsite signs were also adopted, but outside of the work program. It is also noted that Phase 2a of the changes to the wireless regulations will be presented to the Board for adoption at the February 11, 2015 public hearing, and that the cash proffer policy has been reviewed by the Board and is now under consideration by the Fiscal Impact Advisory Committee (FIAC).

As often happens, the priorities changed in 2014 as the Board identified emerging issues of higher importance. These new priorities included the state mandated farm brewery legislation, as well as Board initiatives for solid waste and the Route 29 Solutions, all of which diverted staff resources. The Board also expanded the review of the Comprehensive Plan beyond what was anticipated in the 2014 work program, which was offset by delaying work on Comprehensive Plan strategies. To accommodate the emerging priorities, staff diverted resources from other work program initiatives. These included the Pantops Master Plan update and application fee updates for the Building, Subdivision and Zoning Ordinances, which are included in the following FY16 work program recommendations.

FY16 Work Program

Staff has identified the following initiatives to consider in carrying forward with the work program:

- Cash Proffer Policy – The Board has assigned this task to the FIAC, and staff is providing support. At this time, it is not possible to estimate the magnitude of this effort, but it has been approximated at one-quarter FTE for FY 16.
- Wireless Policy and Standards – The FCC recently issued its final rules pertaining to collocations and timely review, and this will require an extensive staff effort to address. This has been estimated at one-quarter FTE for FY 16.
- Artist's Communities – This was a new 2014 initiative, and staff is currently reviewing this with the Planning Commission, as directed by the Board. Staff believes this can be completed prior to the start of FY16 and not affect this work program, but that depends on the Comprehensive Plan direction by the Board.
- Application Fees (Building, Subdivision, Zoning) – Staff anticipates presenting an approach to the Board for its consideration in March. If acceptable, staff believes this can also be completed prior to the start of FY16 and avoid impacting this work program.

Next, staff notes initiatives that have been discussed but remain resource constrained:

- Natural Heritage Committee Support - The committee has requested one-quarter FTE for FY16, and this request is anticipated to continue into future years. The primary focus is to complete data layers to allow a better understanding of impacts occurring in the Rural Areas from land disturbances. If this is funded as a new position for FY16, it does not compete with other initiatives. Otherwise, it would need to be prioritized against other efforts.
- Entrance Corridor Design Guidelines - The Architectural Review Board has expressed interest in updating the design guidelines to better mesh with the Neighborhood Model and corridor specific standards. This effort is desired by both applicants and staff as a way to clarify guidelines and could be done as part of a master plan update or small area plan. This is estimated to require one-quarter to one-half FTE for a year with one corridor.
- Zoning Ordinance Updates – This includes a number of smaller initiatives, including Neighborhood Model setback standards, outdoor display standards, parking garage standards, and drive-thru standards. If completed, these changes will save both applicants and staff time in the long-term by clarifying standards, but would likely require one-quarter FTE over the next two years.
- Zoning Ordinance Re-Codification – This effort will reorganize the ordinance, update and standardize terminology, and improve overall consistency in style. While a “housekeeping” type of effort, it is a major effort that will greatly improve the ordinance, making it much easier for applicants and the public to use and for staff to administer. It is estimated this would likely require one-quarter FTE for a year.

Added to the above, staff has noted the following Comprehensive Plan initiatives that have already been discussed. Staff is not asking for a prioritization of these initiatives at this time, but anticipates them as part of the larger Comprehensive Plan decisions by the Board regarding implementation strategies:

- Pantops Master Plan update - As elements of the Comprehensive Plan, master plans should be reviewed every five years. As identified in the 2014 work program, the Pantops plan was due its five year review in 2013. This work is estimated to require one FTE for a minimum of one year if this includes a Rivanna River Corridor Plan, which has been a recommended priority of the Planning Commission. More time and resources will be needed if an expanded community engagement plan is used.
- Rivanna Master Plan update – Similar to the Pantops Plan, this master plan is due for its five year review starting in 2015. This work is anticipated to require one-half FTE for a minimum of nine months.
- Crozet Master Plan update – The second update for this plan is due in 2016. This could possibly include a small area plan for downtown Crozet. This work is anticipated to require one-half FTE for a minimum of nine months.
- Places 29 Master Plan update – This master plan is due for its five year review starting in 2016. A small area plan, which is a strategy in Places 29, could be combined with this update. This work is estimated to require one-half FTE for a minimum of one year, but could see efficiencies if combined with the small area plan discussed below.
- Rio Road / Route 29 Small Area Plan – This is a strategy in Places 29 in which the Board has expressed an interest, given that VDOT’s Route 29 Solutions is currently being implemented. This effort is anticipated to require \$120,000 for consultant support and one FTE for two years. This cost estimate assumes no additional traffic analysis will be required and a typical community engagement plan will be used.

Staff recommends carrying forward the cash proffer policy and wireless policy as priorities in FY16. Among the other initiatives, staff believes the entrance corridor guidelines and zoning ordinance recodification will greatly benefit the County.

This work program will be based on available resources, with the exception of priorities established for implementing the Comprehensive Plan. Those Comprehensive Plan strategies are anticipated to be prioritized by the Board over the next couple of months. For example, staff has already prepared a CIP request for \$120,000 to fund a Rio Road/ Route 29 small area plan that will be considered with other Comprehensive Plan strategies.

This matter is being presented for discussion during the work session portion of the meeting. Following the discussion, staff will be seeking guidance from the Board and so requests that the Board review the information provided, identify any other initiatives the Board wishes to be included in the work program, and prioritize its interest in the initiatives. Staff anticipates the same will occur with the strategies in the Comprehensive Plan. The two lists of priorities will then be combined and presented to the Board later this spring for consideration and adoption of a FY16 work program.

Mr. Mark Graham, Director of the Department of Community Development, addressed the Board, stating that this was the annual review done with Community Development as far as progress in the previous year and the upcoming work program. He said that they are approaching the program a bit differently this year, in that they will put a focus on trying to get this work program finished in May. Mr. Graham stated that the reason for this is that the staff wants to ensure that the Board has the opportunity to go through the Comp Plan strategies and get their priorities established with that. He said that at this meeting, they will review the progress of the current program, look at staff availability for the next year, and review the priorities as established by staff, recognizing that the Comp Plan strategies would not yet be prioritized. Mr. Graham said that staff will come back to the Board in May to finalize the FY16 work program after they have go through the Comp Plan, and then delay any scheduling for the out years of FY17-19, until they have completed their strategic plan retreat.

Mr. Graham provided a key to the work program color coding: blue indicating completed items or with the Board, red representing delayed items, black being items that staff has been doing without any real completion date, and green items being those in the future. He stated that the Comp Plan update is on schedule and is with the Board as far as the strategy implementation. He stated the Board has discussed artists' communities, which will be considered as part of the Comp Plan update, and they have successfully implemented the Virginia Stormwater Management Program the previous year, addressed phase two of the wireless policy earlier in this meeting; the flood hazard overlay was completed the previous spring, as was steep slopes; and last summer they had completed offsite signs. He said that what they were behind on is the wireless phase three, which is a mandate, and part of the delay on that was the FCC's pace with their rule-making. He stated that the other initiative staff is behind on is the fees update, which he had planned to have to the Board earlier, as he had not anticipated that Route 29 Solutions was going to take up a lot of his time. Mr. Graham noted that staff will bring a plan forth in the next month or two to try to catch some of that up. He said that they have also been working on some housekeeping items related to the subdivision ordinance, a recodification of the zoning ordinance – which will reorganize how things are presented in the ordinance, the natural heritage modeling effort – with that committee having asked for additional help, the ARB guideline updates and making them specific to particular corridors or master plans to particular areas, and zoning for neighborhood model setbacks. Mr. Graham said that other items needing attention include transient lodging and the "air b and b" issue, and some clean-up ordinances such as drive-throughs, parking garages, and outdoor display.

Regarding the workload and staff resources, Mr. Graham said that the availability of resources in one area is dependent upon the resources focused on other areas, and the take-up for the work program depends on what is going on with other development activity. He stated that he has noted the items of significance, with a new building inspector funded for FY15, and the other for 3.5 positions for engineering related to the Virginia Stormwater Management Program and additional state requirements. Mr. Graham presented information on building permit applications, stating that the overall trend since 2008-09 has been upward, with levels getting close to pre-recession levels. He said that there had been a significant jump in 2014 in the estimated values of construction, almost \$100 million in additional values over the previous year, which will eventually translate into completed buildings and tax revenue for the County. Mr. Graham noted that FY09 had an unusual jump because of the Martha Jefferson Hospital project, which totaled over \$200 million. He reported that zoning violations have experienced a slight drop over the last year, and part of that is due to how they are processing complaints, with fewer turning into zoning violations because zoning officers are trying to actively engage people early and get voluntary compliance. Mr. Graham noted that they are working and processing just as many complaints as they previously did, it just is not turning into violations, but the workload continues to be heavy. He said that this is the top request for Community Development in terms of a position. Mr. Graham said that special use permit applications fell off a bit the previous year – with 22 submitted in 2014, but in January of 2015 alone, the County received 10 applications.

Mr. Graham summarized that they have basically returned to normal levels of development activity, and whatever effects felt from the downturn are pretty much gone across the board with the programs. He said with the limited amount of additional staffing, this has stretched them and limited their capacity for taking on new initiatives. Mr. Graham said that the Department has implemented a number of process improvements which have allowed them to stretch the staff, but have not identified many additional opportunities for stretching it further without scaling back the programs – which translates into reducing requirements. He added that it is becoming increasingly important to retain the staff they currently have, as they have been trained and invested in, with the ability to handle high volumes of workload – higher than the department could pre-recession when there was significant turnover. Mr. Graham said that it will be very important for them to retain staff in order to maintain the work program.

Mr. Graham stated that in terms of FY16 recommendations, staff has tried to divide this into three categories: mandates, County initiatives, and other items. He said that under mandates, other than ongoing initiatives such as the Comp Plan or conservation easement monitoring, the biggest item is County ordinance enforcement where they are responding to state change. Mr. Graham said that last year, they had farm breweries and did an ordinance amendment with them; this year they will likely have one for farm distilleries. He stated that they are also looking at some changes regarding variances that might increase staff workload, and they are evaluating those things now. He said that major County initiatives are the Comp Plan implementation, to be determined through the Board work session, and after that they can start to plug in their priorities. Mr. Graham said that the other items are the cash proffer policy, which has been assigned to the fiscal impact advisory committee; phase three of the wireless policy, which is related to the FCC regulatory changes; the application fees, which are running behind; the zoning ordinance recodification; and Entrance Corridor guidelines. He stated that in terms of ongoing activities, there is the cash proffer policy, the wireless policy, and development fees. Mr. Graham said that in terms of added initiatives, there are Entrance Corridor guidelines and zoning ordinance

recodification, and the Comprehensive Plan implementation. He noted that the Pantops Master Plan update is well overdue at this point, and the advisory group has already started to do a lot of the legwork but is ready for staff to step in and put it together and get it through a public hearing process. Mr. Graham said that the Board has also been talking about a small area plan for the Rio/Route 29 interchange, and a lot of Board interest has been expressed in terms of getting those together.

Mr. Graham said that those items comprised a pretty full work program for the next year, and asked the Board to provide input and see if there are other priorities for staff to consider and bring back in May.

Ms. Mallek said that several years ago there were changes to one set of fee structures, and asked if the application fees – building, subdivisions and zoning – have been modified in the last decade.

Mr. Graham said that they have all been done in the last decade, but staff has set a process for a more regular review and they are actually behind on that. He clarified that it is a percentage change, and by the policy the Board adopted when they did the last update, there is a percentage based on the salary increases that the Board put into the budgets during that period.

Ms. McKeel said that the Board will be looking at implementation strategies, and she does not want them to lose track of including strategies for maintaining the viability of older neighborhoods, instead of looking just at new development.

Mr. Graham said that it is in the Comp Plan as strategies, and that is exactly what staff hopes the Board will get to, prioritizing that and providing direction to staff.

Ms. Palmer said that Mr. Graham has mentioned that the department is considering getting an intern, but at some point that changed, and she wondered where things stood with the landscape mapping.

Mr. Graham said that he feels this is an excellent idea, and the committee would also like to provide an update on where they stand. He said that it is a work in progress for them.

Ms. Dittmar asked where the Fiscal Impact Committee stands with the cash proffer policy.

Mr. Boyd responded that they had decided at an early morning meeting today that they are going to accelerate their process so it will coincide with completing the Comp Plan. He confirmed that it will first go to the Planning Commission, then the Board.

Mr. Graham said that the committee has challenged itself and set a very ambitious goal of catching this up to the rest of the Comp Plan update, and commented that it can definitely be done although it will not be easy.

Ms. Dittmar asked if Community Development is involved with the broadband initiative. Mr. Graham responded that they are a support for that, but not the lead, and his department is trying to make sure they are identifying any potential barriers to broadband that the current wireless policy may be creating.

Ms. Dittmar asked if his goal is for the Board to be determining its priorities through their work on the Comp Plan with Ms. Elaine Echols.

Mr. Graham stated that he will continue to work closely with Ms. Echols, and said that they have regular debriefings after her Tuesday meetings with the Board.

Agenda Item. No. 15. Small Area Plan for Route 29/Rio Road Intersection Improvements.

The executive summary forwarded to the Board states that In consideration of the Route 29/Rio Road interchange component of the 29 Solutions Projects on February 4, 2015, the Board received verbal information from staff regarding federal, state and local planning processes as they relate to these projects and a timeline of activities and decisions since January, 2014 related to the development of the projects' package. After receiving extensive public comment regarding the interchange at that meeting, the Board scheduled further consideration of a Small Area Plan for Route 29/Rio Road Intersection Improvements for its February 11, 2015 meeting. The information provided herein is intended to provide background related to planning processes and decisions as they relate to this consideration.

As noted in staff's presentation to the Board on February 4th, the 29 Solutions Projects are the result of a combination of approved plans and subsequent decisions that date back a number of years, and processes that are grounded in the requirements of federal and state law. As context, it is first worth noting how the myriad of planning processes fit together in guiding transportation project development. Attachment A is a table of Key Statewide, Regional and Local Transportation Planning Documents. Not all documents noted played into ultimate decisions regarding the 29 Solutions Projects, but the table provides a good reference, as several are pertinent. In simple terms, Federal transportation policy *in urbanized areas*, within which the 29 Solutions Projects are located, is implemented by the Virginia Department of Transportation (VDOT) and Metropolitan Planning Organizations (MPOs). The U.S. Department of Transportation requires VDOT and MPOs to develop long range transportation plans

(LRTPs) and associated transportation improvement funding programs (TIPs) in order to qualify for formula-allocated federal funds **in urbanized areas**. The LRTPs must address a variety of policy factors such as environmental preservation, economic development, and community quality of life. In light of the aforementioned, the County's Comprehensive Plan, which incorporates by reference our Development Area Master Plans such as Places 29, recognizes our MPO as the transportation planning body **for our urbanized area**. While Development Area Master Plans contain "point in time" transportation project recommendations which, **for those in the urbanized area**, are a primary basis for projects in the LRTP, the LRTP, and amendments thereto, serve as the transportation planning document of final reference for ultimate project identification and funding.

There is history with the LRTP as it pertains to the Route 29/Rio Road interchange. An interchange at this intersection was first included in the 2035 LRTP adopted in 2009 as a future Roadway Improvement Project **without funding commitment**, but on the plan's list of projects that could be funded within the fiscal constraints of the 20+ years of the plan. Places 29 was then approved by the Board of Supervisors in February, 2011. When the 2035 LRTP was amended in July, 2011 to include the Route 29 Bypass as a New Construction Project with committed funding, the Route 29/Rio Road interchange was retained as a future Roadway Improvement Project **without funding commitment**. Likewise, the fiscally-constrained 2040 LRTP adopted in May, 2014 included the Route 29/Rio Road interchange, this time as a future New Construction Project **without funding commitment**.

Ultimately, the Route 29/Rio Road interchange component of the 29 Solutions Projects came about through a timeline of activities and decisions last year, which were reviewed with the Board on February 4th and are provided in Attachment B. A July, 2014 amendment to the LRTP incorporated the list of the 29 Solutions Projects, including the Route 29/Rio Road interchange, into the LRTP as New Construction **Six Year Improvement Program** Projects **fully funded** by the Commonwealth Transportation Board. It also moved the Route 29 Bypass from a fully funded New Construction Six Year Improvement Program Project to a project awaiting funding resolution for remaining allocations that need to be addressed to facilitate the project's transition, including the resale of right of way purchased for the project. In August of 2014, staff responded to a set of questions posed by VDOT regarding the Route 29/Rio Road interchange (see Attachment C). In several of the responses, staff noted recommendations of Places 29 regarding the intersection and the Small Area Plan.

This is provided for information only. The 29 Solutions Project package is being funded through federal and state sources, some of which replace costs the County had expected to incur through its Capital Improvements Program on certain project package components.

This is provided for information only.

Ms. Dittmar said that Fire Chief Dan Eggleston was present at the meeting, and asked him to comment on fire and rescue operations during construction of the Route 29/Rio interchange.

Chief Eggleston stated that when the project was first introduced, ACFR reached out to VDOT and had a series of meetings with the Fire Marshal's Office to ensure that whatever gets constructed meets requirements in terms of fire safety, but also to plan for emergency units should the construction interfere with their ability to cross that intersection. He said that what they learned early in the process was that they would not be able to turn left onto Rio Road or even cross Rio Road during the construction. Chief Eggleston said that those discussions came up very early in the process, and VDOT accommodated fire and rescue by allowing a crossover at the intersection of Berkmar and 29. He explained that units would cross over Berkmar, and that crossing would also have a signal, so they would be able to stop traffic, safely cross the signal, turn left and go northbound, and then be able to turn right onto Rio Road. Chief Eggleston said that this solution is already in the planning for construction, and they have talked about some other things that could improve their response, including widening part of Berkmar and creating an emergency lane in case traffic is backed up, to gain access to that crossover. He stated that during the construction, they understood it is possible that speed humps and traffic-calming devices may be installed in some of the surrounding neighborhoods, so ACFR has requested that VDOT put "pillows" there instead, so passenger cars would have to cross over them but fire units are able to straddle them. Chief Eggleston said that those things will be worked through with VDOT, but if something unforeseen happens, they can relocate resources to the CATEC area if absolutely necessary – but based upon the information VDOT was providing, and the four or five long meetings they have had with them to date, they do not see the potential for a huge delay or any surprises.

Ms. Dittmar asked Chief Eggleston if he feels pretty comfortable about citizen safety. Chief Eggleston responded that they have involved the staff from both the fire prevention division and operations staff, as well as Chief Danny Tawney at Seminole Trail, and he has indicated that he feels comfortable with the plans – and is sending a series of emails out to his staff. Chief Eggleston said that Chief Tawney will also be joining him at the Best Buy ramp town hall meeting the following night.

Ms. McKeel said that the issue seems to be just getting the word out to everyone so that the people who work with ACFR have a sense of what is going to happen. Chief Eggleston stated that there are probably more than 1,000 people out there in the fire rescue system – both volunteer and career – and they have families, and there is a lot of conversations about this project. He said that somewhere along the way, miscommunications happened and people who needed to understand did not get the word, so ACFR is trying to double down efforts and get the word out regarding what they are doing with VDOT in terms of planning for this project.

Ms. Palmer asked if it might be possible to convene a meeting with ACFR staff and the medical offices, just to sit down with them and talk about the plans. Chief Eggleston responded that he will follow up on that immediately.

Mr. Boyd said that he has no doubt that ACFR will work with VDOT on alternative plans, but his understanding is that they are going to maintain four lanes at all times – two north and two south – and when they close one lane, half of the lanes are cut off at Route 250, and traffic is backed up for miles on both sides. Mr. Boyd asked how fire and rescue will get around these situations when they need to get somewhere, as these are the types of unplanned things that will happen. He asked if there has been a problem with City fire and rescue services that make them unable to get out of their facility.

Chief Eggleston stated that he is not aware of that issue with the City, and said that ACFR currently experiences some of that now on Route 29 when traffic is backed up. He said that they will go through the Walmart on Hilton Heights and cut through Berkmar, and take alternative routes. He said that Station 12 at Hollymead can come down from 29 North, and Ivy can come in from the West, with other stations to the east. Chief Eggleston stated that he feels confident they have that covered, but there can always be a case with something unexpected. He said that traffic is certainly an issue, which is why ACFR has pushed VDOT pretty hard to accommodate some of their desires in terms of access.

Ms. Mallek said that the temporary crossover is an inspired idea, because Berkmar is quite wide with multiple driveways and other parking lots – but the biggest problem is that people will not get out of the way, which is an education task for the community.

Ms. Dittmar thanked Chief Eggleston for the information. She stated that she has answered four or five emails over the last several days from people who are confused about why the Board is talking about this. She explained that they are not holding a public hearing on this, as they had held a public hearing on this project in June and had a thoughtful, transparent process to get to that point. Ms. Dittmar said that what happened in the last two meetings was that Supervisor Boyd, who still has concerns about this project, wanted to bring a motion to the Board – and people wanted to comment. She stated that the Board has now had many speakers on this item, both at the previous week's meeting, and earlier at this meeting. Ms. Dittmar said that Mr. Boyd still has concerns, and wanted to bring something to the Board's attention regarding small area plans.

Mr. Boyd said that what he is hearing is a great concern from the community over this project, and stated that two years ago a contract had been awarded to build the Western Bypass – with people coming to every meeting because of concerns about that particular project. He stated that what they are seeing here is the same phenomenon, with people coming out to express concerns about the grade-separated interchange project. Mr. Boyd said that in their packets, they have information about the GSI, including a question and answer sheet that included questions from VDOT. He stated that one question was, "Is there any organized opposition to this proposed project?" Mr. Boyd said that Smart 29 has been an organized group against it. He stated that Item number 4 asked, "Are you aware of a disproportionately high adverse effects to minorities or to low-income populations." He stated that if people will lose their jobs at Hardee's and Wendy's and the coin shop, it will adversely impact lower income people. Mr. Boyd said that another question was, "Is the project consistent with the community goals and proposed land use?" He stated that the response talks about the at-grade interchange, which is supposed to be kept for a long time. Mr. Boyd stated that there was a question, "Would the proposed project be compatible with your county planning?" He said that the second sentence said that the plan called for further evaluation of the needs for a grade-separated interchange. Mr. Boyd stated that all of these questions are from VDOT, and he will be glad to share this information with anyone, but basically what they have is an outpouring of citizens who do not feel that they had input on this project. Mr. Boyd stated that there was no funding for a grade-separated interchange at Rio Road a year ago, as that was approved by the MPO in July. He said that what he is hearing from the public is was not opposition to the whole Route 29 Solutions package, but to the grade-separated interchange.

Mr. Boyd said that he would like to propose his motion, which he said is a message he would like the Board to send to the Commonwealth Transportation Board, which is meeting the following week, on February 18.

Ms. Dittmar suggested that he wait on that, so they can focus on what they are trying to accomplish. She said that Mr. Boyd has commented that this became a reality in June, and what actually became a reality is that the Board finally allocated funds – and planning and political will finally met up with resource. She has been in the community for 40 years, and in the late 1980s there had been studies and plans and ratifications, and the Board that Mr. Boyd and Ms. Mallek were serving on in February 2011 said that was what they wanted. Ms. Dittmar said that this may be startling to many people that Smart 29 has reached out to, but in looking at all the ways they have advertised and held town hall meetings and other vehicles, there has been opportunities for input. She stated that a lot of what the Board did was drawn out and fairly boring, so people stopped paying attention, and she is not faulting people for just waking up at this moment – but this decision had been made the previous summer. Ms. Dittmar said that since then, there has been thousands of hours of engineering time, hundreds of hours of professional staff time, and a lot of Board time. She said that her understanding of Mr. Boyd's request was that he is asking them to delay what they are moving forward on.

Mr. Boyd said that the money was on the table two years ago and was put on the table by the CTB, and all the Board did was redirect it and changed the packet of services. He stated that they had money for a bridge at Berkmar Drive, money for Hillsdale Drive Extended, money for widening Route 29 – and it was not completely funded because the project dragged out through the efforts of the community to

keep it from getting a solution from the Federal Highway Administration. Mr. Boyd said that the money was there for the package of services, which included a bypass, and it was just shifted around.

Ms. McKeel said that what happened with the bypass was that the federal government wrote the County a letter, indicating that they had grave concerns about the project. She said that it was not the County – but attorneys and people who understand those types of letters – interpreted it in such a way that the bypass became a point in history.

Ms. Dittmar read from the letter issued February 19, 2014, to update the purpose and need and reopen consideration of alternatives, going back to the late 1980s, “It is expected that a reassessment of the purpose and need will find that it is no longer adequate to support the investment in the corridor.” She said that this led them down the path of trying to save money for anything in Solutions 29, and leaders in her district in meeting with the MPO have ensured that the money is still there and will be reallocated to other projects. Ms. Dittmar stated that the money was \$230 million for Solutions 29; \$1.26 million in the CIP for light synchronization; and \$93 million for other road projects.

Mr. Boyd said that he has not seen that \$93 million, because in dealing with the Pantops congestion issue, that came up and he has not seen it.

Ms. Dittmar said that she had asked the same thing.

Ms. Mallek said that it was brought to the MPO at the very last meeting, along with other projects on the list including a lot of work at Pantops, which is already in the long-range plan, and will come back to the Board for input.

Mr. Boyd said that there was a second letter, from Federal Highway Administration Regional Director Irene Rizzo, who said that the FHWA had not stopped the project, but had just asked for some additional feedback from the state, which decided it did not want to pursue it anymore.

Ms. McKeel said that by law, the federal government cannot tell a state or County that they cannot build a road, but what they can do is not provide the money. She stated that if Virginia wanted to come up with all of the money on its own without any flow-through dollars from the federal government, they could build anything they wanted – but the issue was that the bypass was dependent on flow-through federal money. Ms. McKeel said that Ms. Rizzo’s letter said pretty much that, and those letters have all been interpreted by attorneys who have that capability. She emphasized that those were the decisions that went forward, and the County could not affect those decisions.

Mr. Boyd said that she had obviously not seen the letter that he had.

Ms. McKeel said that she had read the letter, and had gone over it with an attorney, and the attorneys in Richmond at the state level made the decision that was what the letter meant – and the County does not get to make that decision.

Mr. Boyd said that Ms. Rizzo clarified that she did not mean that.

Ms. McKeel emphasized that the bypass is over with and gone.

Mr. Boyd said that he is not trying to revive it.

Ms. McKeel said that a lot of constituents are interested in pursuing a small area plan, and last week they had a great presentation from staff as to what a small area plan was and the process, and how it all fit in.

Mr. Wayne Cilimberg addressed the Board, stating that what they are focused on is the process that got them to the decision on the intersection project, and in terms of what the small area plan is intended to be, that was in Places 29 – and it actually begins by saying that the plan is to coordinate land uses with recommended road improvements and to offer the opportunity for public input as part of that process. Mr. Cilimberg said that the small area plan is something that staff had identified for a couple of years as a potential CIP project that would involve consultant assistance and would be managed in-house but not done in-house. He stated that staff has identified that as a CIP project for several years, and staff’s reason for having it in the CIP was because they felt it would be a primary piece in undertaking the next update of Places 29, because it was supposed to be looking at the land use and the transportation integral to that area – which is called “midtown” in Places 29. He noted that Mr. Graham had mentioned it again at this meeting as an anticipated work program item for them to manage, but obviously it will need to be funded as a project.

Mr. Boyd said that he appreciated that explanation, but Places 29 specifically stated that nothing would be done with a grade-separated interchange until they did that plan – and yet the Board has skipped that process.

Ms. Palmer said that the reason that was in there was because they never expected to get the funding as soon as they did, and one of the things they wanted to do was make sure they did not build anything in that area that would preclude them from doing the GSI at another time.

Mr. Boyd said that Places 29 would never have passed or been put into the Comp Plan without that language, which specifically said it would be put into the out years.

Ms. Mallek said that they tried very hard to get it through in the form it had been in for the previous five years, and they were not able to get it through that Board without putting off the intersection.

Mr. Boyd said that they delayed it because they felt the community needed to be included in the conversation about that.

Ms. Mallek said that it was much more a reality of the fact that the funding for this would not appear until at least 2030, so the driving factor was why have a big fight about something they could not possibly fund.

Ms. Dittmar stated that it has been said numerous times, but the Comp Plan is a guideline, and it is not intended to keep them from being nimble enough to accept an unprecedented infusion of resource for infrastructure to take them into the future. She said that when Mr. Boyd was in support of the bypass, he would not have let a small area plan in the Comp Plan stand in the way of that project, and the Board did not need to think twice about accepting the money from the Governor then. Ms. Dittmar emphasized that they cannot have the bypass, but they can have something that has been planned and studied for many years. She said that even if they are just looking at \$230 million, they should be very appreciative that it is coming their way. Ms. Dittmar said that the week before, Transportation Secretary Layne had met with County leaders from all over the Commonwealth, and he told them that whatever was in the pipeline now would get built, with no new money for four years. After that, she said, Secretary Layne indicated that transportation projects would be competitive under HB 2, which was passed in 2014. Ms. Dittmar said that Albemarle's chances of building anything at that point, given that they are one county in the Culpeper District – which is the lowest funded district in the Commonwealth – seemed pretty slim to her.

Ms. Palmer said that she and Ms. Dittmar had taken Secretary Layne aside and asked him if they could take one of the items out of the package and still get funding for the rest – Berkmar, Hillsdale, the widening of Route 29, and the train – and he told them that taking the grade-separated interchange out does not work because they want the parallel roads on either side to function properly.

Ms. McKeel said that to address that, at the last Route 29 Solutions panel meeting, it was explained why the GSI is so critical to this project, and asked Mr. Graham to walk them through that.

Mr. Boyd asked if VDOT has provided the data that supported their particular theory, because Smart 29 has asked them for it, and he has asked Joel DeNunzio for the current rating of that intersection.

Ms. McKeel said that Mr. Boyd had sat down with officials for hours, pouring over that data.

Mr. Boyd said that they did not have the data with them, and the TJPDC did not have the data because they had given it to VDOT. He said that they have never been given the data that supports the sequencing for this, despite having asked for it.

Ms. Dittmar said that it had also been explained at the panel meeting.

Ms. McKeel encouraged Mr. Boyd to go back and listen to the panel meetings.

Ms. Palmer said that they have been very clear, and are using 2014 traffic figures, have done their studies, and have said very clearly that the parallel roads on either side of Route 29 – with Hillsdale up to Rio and Berkmar across the river – do not work without the grade-separated interchange.

Mr. Boyd said that they cannot prove that, and have not provided the data to the independent traffic planner to prove that fact. He said that perhaps Mr. Cilimberg, Mr. Graham or Chip Boyles have it – but they have not made it available for Smart 29 to turn it over to a qualified engineer to verify what they are telling them. Mr. Boyd said that Smart 29 had experts that asked for this information, but none of what VDOT has provided correlates to current data that proved out their theories. He stated that Smart 29 has had three independent traffic analysts look at the data that has been provided, and they have said that it does not prove what VDOT is saying it was – and does not create a situation where the Rio interchange has to be created first.

Ms. Mallek stated that she is not a traffic engineer, but intuitively she knows that Hillsdale was expected to carry about 12,000 cars off of Route 29; Berkmar was in the 9,000-10,000 range a few years ago, and those are on opposite sides of 29. She said that if someone is needing to go from Hydraulic Road to the airport, they have to cross over in order for it to work. Ms. Mallek said that this is why she realized what she had originally thought as not going to work, and if both of those small sections were on the same side of 29, they would not be sitting here now – but they are not, and the reason why is because Hillsdale like southern Berkmar was built in an area that did not have a lot of neighborhoods and was built as a connector street by the County. She emphasized that they are just trying to finish the network that has been in discussion and in process for 15 years.

Mr. Boyd said that if they would just provide the data, maybe the opponents would go away.

Ms. Mallek said that she did not think they really needed the data, because it makes such common sense that this has to happen.

Mr. Boyd said that it did not make common sense, and they all had heard from people who went through the intersection every day, as he did, and they have never had a problem with it.

Ms. Palmer said that it was geared toward what will happen in the future, planning for 2040, and asked Mr. Graham if he would like to comment.

Mr. Graham said that in terms of the question about the data, the answer was no, and by the time he had gotten involved with the advisory panel, the decision had been made, and he had spoken with VDOT officials who assured him that the decision was based on the model, and also assured him that the grade-separated interchange must be completed before the other parallel roads were completed. He said that Mr. Shucet has publicly stated in meetings that if all three elements are not there, and are not done in order, then he would go to the Secretary and recommend that the plug be pulled.

Mr. Boyd asked why Mr. Shucet would not share that data, and asked if he was an engineer.

Ms. Palmer and Ms. McKeel responded that he is an engineer.

Ms. Mallek said that whenever statisticians get involved, you can find the answer you want no matter what you do, and looking at it from the non-engineer level makes a lot of sense to her. She stated that this week the Board has received emails from constituents who were concerned that left-turn motions from southbound 29 drivers to get on Rio to be able to use the Meadowcreek Parkway – which is already astonishingly busy – this proved to her that they do not have to wait 10 more years to realize they need improvements, and moving the eastbound Rio people up and over the top is going to be safer for everyone.

Mr. Boyd said that he went through that intersection several times today, and there was an accident on Rio Road at the entrance to the two malls, and you cannot isolate an incident and say that it proved something.

Ms. Palmer said that it is 11:00 p.m., and before them is a take it or leave it package – and she is not sure there were the votes on the Board to even consider leaving it – so she was not sure what they were doing here.

Motion was then offered by Mr. Boyd that the Board prepare a letter to be mailed and hand-delivered to the Commonwealth Transportation Board meeting on February 18, 2015, requesting that when approving their six-year improvement program, that they change the sequence of their funding so that, as the County's Comprehensive Plan calls for, they have time to complete a small area plan; and with the full participation from surrounding the stakeholders including businesses and neighborhoods to bring them in on this community. This motion would request that the Hillsdale Drive extended, improvements to the Route 29 and Route 250 Bypass ramp, widening of Route 29 from Polo Grounds to Town Center Drive, the improvements to the traffic signals along Route 29, and the Berkmar Road Extended be funded and built before any improvements to the intersection at Rio Road and Route 29 be done.

Mr. Boyd clarified that all he was suggesting was changing the sequencing of it, and said that the Board had spent an hour at this meeting talking about their cell tower ordinance, which they had talked about for the last year and a half – having brought in the community and stakeholders – and now they will not take time enough to invite people in to talk about this intersection.

Ms. Mallek said that she felt that was a very unfair characterization of what has happened.

Ms. McKeel agreed.

Ms. Palmer said that she had been listening to the fight over the GSI since the 1990s.

Ms. McKeel noted that they had heard a presentation from the airport about their expansion, because they had not had any infrastructure upgrades since the 1990s – which is where the County is with its transportation infrastructure. She stated that she was supporting the Route 29 Solutions package not only because it is funded, but because it is going to improve the flow of local traffic as well as through traffic.

Ms. Dittmar asked Mr. Boyd if he had sent the motion out in advance.

Mr. Boyd said that he had not, as he had just typed it up a short while earlier.

Mr. Boyd said that he had always wanted to change the sequencing of this and build the interchange last, if needed, which will buy them time to do the community meetings that he feels had been skipped.

Ms. McKeel emphasized that the sequencing is the way it is because if they build the extension at Berkmar and Hillsdale, there will be more traffic put on the Rio intersection, which will make it even more difficult to construct, and will cause even more delays during construction and will take a longer period of time to complete because there will be more traffic at that intersection.

Mr. Boyd said that there are a lot of people who do not believe that.

Ms. McKeel said that there were a lot of people who do not believe that climate change existed either.

Ms. Palmer said that the community has worked for many years on a water supply plan, with several dozen meetings, and at the last minute there were a lot of people who just did not believe it, so they had to move on. She said that they had gone through a process with this, and she understands the concerns from the business community are real – and she hopes that the specific concerns from business owners can be addressed individually, but they have to get the infrastructure started.

Mr. Boyd said that Bryan McKenzie researched other projects similar to this and the impact it has on the community, and put in a news article along with the string of everything being done locally since 1970, and found that there is a 20-40% reduction in business activity when these types of projects happen. He stated that an international traffic engineer and expert told Smart 29 that every other community is running away from this type of grade-separated interchange.

Ms. McKeel stated that all of the projects that were used as comparisons were debunked by Philip Shucet as not being similar to the Rio project.

Ms. Palmer said that she had been sitting next to a woman from another locality who has been fighting for money for a grade-separated interchange on the main road going into her town.

Mr. Boyd said that he went to D.C. with Mayor Brown to get the money from Senator John Warner to build the McIntire/250 interchange, so he is not opposed to the concept, he just feels that the Rio project is a bad idea. He reiterated that they have not met with the community or the neighborhoods, and have skipped a step in the process.

Other Board members disagreed.

Mr. Boyd said that they should have held town halls in that area, as a small area plan called for.

Ms. Dittmar said that there were several town halls held in that area.

Ms. Mallek said that they had held three town hall meetings right in that area over the last six months.

Ms. Dittmar said that she would rather not focus on their public engagement plan, and agreed with Ms. Palmer's comments that they must focus on the business community in that area. She said that one of the things that Bryan McKenzie's study indicated was that what they are doing is unprecedented in terms of getting out early to people. She said that one of their economic development staff members had visited businesses door to door, and she has referred people to Ms. Catlin and VDOT – and they will be hearing about a business assistance plan that is unprecedented in the state. Ms. Dittmar said that if they do not do Rio first and poured all of that traffic in, it will be a much longer construction time and much more painful for businesses. She stated that she wants to hear from staff as to the business assistance plan, which is on their plan for early March.

Mr. Boyd asked if there was a second to his motion.

There was no second on the motion.

Note: Mr. Boyd left the meeting at 11:05 p.m.

Agenda Item. No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

a. The Journey Through Hallowed Ground.

Ms. Mallek said that they will take the matter up at a different time.

Ms. Mallek announced that the Albemarle County Police Department is doing another round of "coffee with the cops," with the first being February 25 at 10 a.m. at the Earlysville Exchange, for the northern district; the southern district will hold one on February 26 at 7 a.m. at the Mudhouse in Crozet. She said that these will provide opportunities for people to talk with their beat cops and learn about community policing.

Ms. McKeel said that she is encouraging them to hold one at Stonefield also.

Agenda Item. No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

a. Budget Public Engagement Opportunities.

This item was not discussed at this time.

Agenda Item. No. 18. Adjourn.

At 11:07 p.m., Ms. Mallek **moved** to adjourn the Board meeting to February 18, 2015 at 8:30 a.m. in the VDOT Central Auditorium in Richmond, Virginia, for purposes of attending the Commonwealth Transportation Board meeting. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

ABSENT: Mr. Boyd and Mr. Sheffield.

Chairman

Approved by Board
Date: 09/09/2015
Initials: EWJ