

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 9, 2016, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad L. Sheffield.

ABSENT: None.

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 6:01 p.m., by the Chair, Ms. Palmer.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer introduced County staff present and then asked for any additions to the final agenda. She suggested adding an Item 12a to discuss Board policy regarding the Charlottesville Regional Chamber of Commerce's dinner to honor veterans.

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. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill.

NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek stated that a video surveillance camera has been installed at Sugar Hollow Reservoir to monitor vandalism and protect new fences and gates.

Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Proclamation proclaiming *March 16 through March 20, 2016* as 22nd Annual Festival of the Book.

Mr. Dill read the following proclamation and presented to Ms. Jane Kulow, Director of the Virginia Center for the Book:

PROCLAMATION

VIRGINIA FESTIVAL OF THE BOOK

WHEREAS, Albemarle County is committed to promoting literacy, writing, and storytelling within and outside its borders; and

WHEREAS, our devotion to literacy and our support of literature has attracted thousands of writers and tens of thousands of readers to the annual **VIRGINIA FESTIVAL OF THE BOOK**, serving as an economically significant event for this area, while providing the majority of programs free of charge; and

WHEREAS, businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the **VIRGINIA FESTIVAL OF THE BOOK**; and

WHEREAS, the citizens of the County of Albemarle, Virginia, and the world, have made the **VIRGINIA FESTIVAL OF THE BOOK** one of the best book festivals in the country;

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors, do hereby proclaim

**Wednesday, March 16, 2016 through Sunday, March 20, 2016
as the Twenty-second annual
VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available programs and activities.

Mr. Dill then **moved** to adopt the proclamation. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

Ms. Kulow thanked the Board for its vote and support. She stated that 24 Albemarle County schools either are hosting or attending events related to the Festival of the Book, double the number of similar activities in 2015. Ms. Kulow also said the Festival has partnered with as many as 214 other organizations in the community, up from 138 in 2015.

Ms. Mallek commented that the Virginia Festival of the Book is coming to the Crozet Adventure Center for the first time this year.

Item No. 6b. Proclamation proclaiming March 2016 as American Red Cross Month.

Mr. Randolph read and presented the following proclamation to Bill Brent, Executive Director of the American Red Cross, and Emily Pelliccia, Deputy Chief of Administration, Charlottesville Fire Department, and Board Chair of the American Red Cross:

PROCLAMATION

AMERICAN RED CROSS MONTH 2016

WHEREAS, in the County of Albemarle, we have a long history of helping our neighbors in need; and **American Red Cross Month** is a special time to recognize and thank our Everyday Heroes – those selfless Red Cross volunteers and donors who give of their time and resources to help community members; and

WHEREAS, these heroes help families find shelter after a home fire, give blood to help trauma victims and cancer patients, deliver comfort items to military members in the hospital, use their lifesaving skills to save someone from a heart attack, drowning, or choking, and enable children around the globe to be vaccinated from measles and rubella; and

WHEREAS, the American Red Cross depends on local heroes to deliver help and hope during a disaster and we applaud our heroes here in the County of Albemarle and the entire Central Virginia area who give of themselves to assist their neighbors when they need a helping hand; and

WHEREAS, across the country and around the world, the American Red Cross responds to disasters big and small; and every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected; collects 40 percent of the nation's blood supply; teaches millions of people lifesaving skills; and through its Restoring Family Links program, connects family members separated by crisis, conflict, or migration; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies, as our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission;

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors, do hereby proclaim

March 2016 as American Red Cross Month

and encourage all residents to support this organization and its noble humanitarian mission.

Mr. Randolph then **moved** to adopt the proclamation. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

Ms. Pelliccia relayed several facts about what the organization does in the community. She said the local chapter is soon to celebrate its 100th anniversary and is seeking to raise awareness about its activities. She stated that more than 200 volunteers have donated over 10,000 hours in the past year including local students. Ms. Pelliccia stated that nearly 1,200 pints of blood were donated in 2015 saving thousands of lives.

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

There were none.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Ms. McKeel, **seconded** by Ms. Mallek, to approve the consent agenda. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

Item No. 8.1. Approval of Minutes: January 6, 2016.

Ms. Mallek had read the minutes of January 6, 2016, pages 1-29 (end with Item #15) and found them to be in order with the exception of some typographical errors.

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

Item No. 8.2. Sustainable Materials Management Advisory Committee (*continued from March 2, 2016*).

The executive summary forwarded to the Board states that the Board of Supervisors created the Albemarle County Long Range Solid Waste Solutions Advisory Committee (the Committee) at its meeting on April 2, 2014. On October 7, 2015, the Committee presented its Final Report to the Board, which recommended that an Advisory Committee on Sustainable Materials Management be established, and that the County add a staff position to support the Committee's work. To advance the recommendations of the Long Range Solid Waste Committee, the Board requested that staff: 1) define a charge statement for the Sustainable Materials Management Advisory Committee (SMMAC); and 2) identify and define the staff support that the Committee would need to fulfill its charge statement. On March 2, 2016, staff presented a charge statement for the Committee, and the Board requested some minor edits and a change to the Committee's name.

As directed by the Board, the Committee name has been changed to Solid Waste Alternatives Advisory Committee (SWAAC).

The attached draft charge statement includes the following key components: 1) the Committee is advisory to the Board; 2) the Committee will assist the County in the development of sustainable materials management policies; 3) the Committee will conduct thorough impact analysis of recommended policy implementation; and 4) the Committee will research and develop a public education and engagement plan.

The redline version of the charge statement showing the changes from the March 2 meeting is attached (Attachment B).

The establishment of the Solid Waste Alternatives Advisory Committee will have no budgetary impact.

Staff recommends that the Board establish the Solid Waste Alternatives Advisory Committee and approve the attached Charge Statement (Attachment A).

By the above-recorded vote, the Board established the Solid Waste Alternatives Committee and approved the following Charge Statement:

County of Albemarle
Solid Waste Alternatives Advisory Committee (SWAAC)
Charge Statement, Goals, Membership and Organization

Introduction

On April 2, 2014, the Board of Supervisors created the Albemarle County Long Range Solid Waste Solutions Advisory Committee and appointed to it the County members of the Rivanna Solid Waste Authority (RSWA) Citizen Advisory Committee, along with Supervisor Palmer as Board liaison, with the expectation that the Committee would develop and submit to the Board a formal Charge for consideration and approval.

On July 2, 2014, the Board approved the Committee's Charge, which included specific goals, membership composition, and a general timeline for completion of its work. The Charge was modified by the Board on February 4, 2015 to better reflect an intent of the Committee to identify policy recommendations for the Board. The Committee was comprised of ten members who were appointed by the Board of Supervisors, as well as a liaison to the Planning Commission and a liaison to the Board of Supervisors. Over the course of approximately one year, the Committee conducted approximately forty (40) formal meetings and work sessions. In support of the adopted Charge, the Board approved a Public Engagement Plan on November 5, 2014 to guide the Committee in its efforts to both inform and involve County citizens in the work of the Committee. The specific engagement activities were numerous and varied.

On October 7, 2015, the Committee submitted its Final Report. The Final Report included a recommendation for the creation of a standing committee to advise the Board of Supervisors and a dedicated staff person to support the committee's work.

Charge

The Albemarle County Solid Waste Alternatives Advisory Committee (SWAAC) is a standing advisory committee to the Albemarle County Board of Supervisors. The establishment of this Committee is consistent with the County's Comprehensive Plan, the organizational vision of Albemarle County, and the regional Thomas Jefferson Solid Waste Management Plan. The Committee will provide information to the Board in a semi-annual update and an annual report to include a thorough budgetary and environmental impact analysis of the Committee's recommended policy implementation.

The initial focus of the Committee will be to provide program support to the County's public education and engagement plan regarding sustainable materials management, including:

- Waste reduction;
- Materials re-use;
- Recycling and composting;
- Greenhouse gas reduction;
- Ivy MUC Transfer Station operations; and
- Waste disposal.

The Committee will also provide input on the development of a job description for the Sustainable Materials Management Coordinator position in the Facilities and Environmental Services Department.

Until such time as a Sustainable Materials Management Coordinator can be hired, County staff support will be very limited. Accordingly, the Committee's initial work plan priority shall be focused on the development and implementation of an educational and engagement program, including providing input into the development and implementation of the Ivy MUC Engagement Program. A proposed work plan for subsequent phases will be drafted by the Committee and staff for later consideration and approval by the board.

Membership

The SWAAC will consist of six to eight voting members appointed by the Board of Supervisors with appropriate background and experience. Appointments will be based on Board and staff recommendations, nominations from community and business groups, and individual applications. Members will be added to this Committee through the normal Board appointment process. All members of the Committee, regardless of background or area of expertise, shall be supportive of the sustainable materials management objectives and strategies the County has adopted in its Comprehensive Plan. The Committee's role shall be to support, expand on, and implement the policy and goals of the program.

Length of Term: Initial appointments will include two four-year appointments; two three-year appointments; and two two-year appointments. Thereafter, appointments will be for four years.

The Committee shall include:

- The Chief of Environmental Services Division, Facilities and Environmental Services;
- One representative from the Rivanna Solid Waste Authority (RSWA);
- One Professional Engineer and/or technical expert in any Solid Waste Management related field;
- Two representatives with solid waste management industry interest/experience;; and
- One to three Albemarle County resident(s) with interest in sustainable materials management

In addition, the Board shall appoint two members of the Board of Supervisors to serve as liaisons.

With direction from the Board, County staff will:

- Create membership criteria;
- Develop Committee by-laws;
- Initiate the membership application process;
- Manage the membership appointment process; and
- Establish a Committee Work Plan.

Committee Organization

The Committee shall elect a Chair, Vice-chair and Secretary for a one year tenure. Meetings will be held approximately once per month or as otherwise agreed to by the Committee. The date and time of Committee meetings shall be established at the first meeting; additional meetings may be called by the Chair; and all meeting dates and times will be publicized. All meetings will be open work sessions, where the general public is invited to attend to listen and observe, unless public participation is deemed appropriate by the Chair. Additionally, The Committee will develop a public engagement program for the public at large to include active participation at open houses, workshops, and other appropriate venues, pursuant to the public participation policy to be established by the committee.

No quorum shall be necessary to discuss business that is before the Committee, but no vote or action will be taken unless a quorum is present. A majority of the voting members of the Committee shall constitute a quorum. Decisions shall be made, if possible, by an indication of general consensus among the Committee members present. Staff (other than appointed members) will not participate as decision makers. When this method does not serve to establish a clear direction, the Chair shall call for a roll-call vote. When an agreement cannot be achieved on an issue, business shall proceed and the Secretary shall document and present minority positions for the Board of Supervisors' consideration. Facilitation will

be provided in those instances when it is considered beneficial in helping the Committee achieve its stated purposes.

Item No. 8.3. VDOT Culpeper District, Albemarle County Monthly Report, March, 2016, **was received for information.**

Item No. 8.4. 2015 Fourth Quarter Building Report, *as prepared by the Department of Community Development*, **was received for information.**

The report states that during the fourth quarter of 2015, 97 building permits were issued for 97 dwelling units. There were four permits issued for mobile homes in existing parks, at an exchange rate of \$2,500, for a total of \$10,000. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.5. 2015 Year End Building Report, *as prepared by the Department of Community Development*, **was received for information.**

The report states that during 2015, 449 building permits were issued for 514 dwelling units. There were seven permits issued for mobile homes in existing parks, at an exchange rate of \$2,500, for a total of \$17,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.6. 2015 Fourth Quarter Certificate of Occupancy Report, *as prepared by the Department of Community Development*, **was received for information.**

The report states that during the fourth quarter of 2015, 83 certificates of occupancy were issued for 83 dwelling units. There were no permits issued for a mobile home in an existing park. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.7. 2015 Year End Certificate of Occupancy Report, *as prepared by the Department of Community Development*, **was received for information.**

The report states that during 2015, 408 certificates of occupancy were issued for 408 dwelling units. There were seven permits issued for a mobile home in existing parks, at an exchange rate of \$2,500, for a total of \$17,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.8. Copy of 2015 Citizens Advisory Committee of the Charlottesville-Albemarle Public Defender Office Annual Report, **was received for information.**

Agenda Item No. 9. **Public Hearing: CDBG Funding.** To solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the Alberene Housing Rehabilitation Project. Residents of the project area are encouraged to attend. The project is projected to provide rehabilitation to up to 25 houses in Alberene. (*Advertised in the Daily Progress on February 22 and February 29, 2016*)

The executive summary presented by staff states that the Virginia Community Development Block Grant (VCDBG) program is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (in non-entitlement communities only) for projects that address critical community needs, including housing, infrastructure, and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives. The VCDBG application process requires that two local public hearings be conducted. The first public hearing was held on January 6, 2016, at which time information was provided on eligible activities that may be funded by a VCDBG grant, the amount of funding estimated to be available, past activities undertaken with VCDBG funds, and the process for applying for funding. There were two comments at the hearing encouraging the County to look at alternative types of housing. The purpose of this public hearing is to provide information on the proposed project application and to accept public comment on the application. Applications are submitted by the County to DHCD; however, the proposed activities may be undertaken by other agencies. Albemarle County can submit one or more applications, but is limited to awards totaling no more than \$2.5 million.

Albemarle County was offered a CDBG Planning Grant in August 2015 to conduct a needs assessment and housing survey in southern Albemarle County. The area identified was generally from North Garden to Scottsville and south of Plank Road. On September 17, 2015 a community meeting was held at Yancey Elementary School which was attended by 25 residents. Information derived from the needs assessment combined with existing applicants on AHIP's waiting list for services led to a decision to concentrate on the Alberene community for more detailed assessments. On November 4, 2015, the County was approved for the Planning Grant to further develop a potential housing rehabilitation project in Alberene. A second community meeting was held on January 13, 2016 with 22 residents attending.

Typically a draft CDBG application is attached to the executive summary authorizing the submission of that application. Because the community assessment is still underway, a draft is not available at the time of this executive summary. Highlights of the proposed application, as of February 18, 2016, are that 33 applications have been received with 29 having signed required participation agreements. AHIP is continuing to work with the applicants to conduct housing inspections, verify income eligibility, and develop cost estimates for needed repairs. The proposed application will likely target between 20 and 25 individual properties and request between \$700,000 and \$1,000,000 in CDBG funding. A portion of this funding will be available to cover administrative costs associated with the grant.

Updated information will be provided at the public hearing on March 9, 2016.

There is no budgetary impact unless and until an application is made and a grant is awarded, at which time the Board will be asked to appropriate the funding. CDBG projects include various levels of funding to offset administrative costs by awarding such funds based on performance. The budget submitted with the application will include a performance-based budget for administration.

Upon receiving information on the proposed VCDBG application and taking public comment on the proposal, staff recommends that the Board adopt the attached Resolution (Attachment A) approving the County's submission of the application for Alberene Housing Rehabilitation Project and authorizing the County Executive to execute the application and all required certifications and assurances (Attachments B through E-on file), as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

Mr. Ron White, Director of Housing, presented the Board with elements of an application for a Community Development Block Grant (CDBG) through the Virginia Department of Housing and Community Development. Mr. White stated that on January 6, the Board had been presented with a potential application for funding for work to be performed by the Albemarle Housing Improvement Program (AHIP) under a CDBG planning grant for housing needs in the Alberene community in southern Albemarle. He said that on January 13 a community meeting was held at the Alberene Baptist Church and around 25 residents attended.

Mr. White stated that AHIP is considering a two-phase approach to providing improvements to homes with the first phase targeted to the southern portion of Alberene and the second phase targeted to the northern portion.

Ms. Joyce Dudek, AHIP's Associate Director of Real Estate Development, stated there are 32 families in Alberene on the AHIP's waiting list with many elderly and disabled individuals. Ms. Dudek said the average income of these families is \$25,985, or 37 percent of the area's annual median income. She said the work to be conducted includes roof replacement, accessibility improvements, plumbing repairs and some well repairs. Ms. Dudek stated that many of the homes were built in the 1970's and many have deferred maintenance issues. Some of the houses in the southern portion date back to the early part of the 20th century when the Alberene soapstone quarry was active.

Mr. White said general practice would have been to provide a draft application for the Board's review, but that document is still in preparation and a full cost estimate has not been performed. Mr. White stated the maximum grant under the CDBG process is \$1 million dollars and he seeks the Board's support for that full amount. He noted the original resolution before the Board did not include that amount, but that a revised resolution is before the Board. Mr. White also stated the number of units that can be rehabilitated through the grant can be between 20 and 30. He mentioned the application deadline is March 23 and stated he is confident the application can be completed in time.

Ms. Palmer asked Mr. White if the County will have to be pay for the work up front and be reimbursed through the grant. Mr. White said reimbursement is normal practice. He said AHIP will pay contractors and then invoice Albemarle County.

Ms. Palmer then opened the public hearing.

Ms. Jennifer Jacobs, Executive Director of AHIP, spoke about her organization's mission to make sure all County residents have safe homes. She stated that AHIP celebrates its 40th anniversary in 2016 and that AHIP has helped thousands with their homes during that time. Mr. Jacobs said there are 501 households on its waiting list, 308 of which are in Albemarle County. She stated that AHIP recently finished helping 25 families in the Orchard Acres neighborhood in Crozet, another project funded through the CDBG program.

Ms. Jacobs said the Alberene community has not yet benefited from the CDBG program and there is substantial need. She invited supervisors to take a tour of the houses that will be rehabilitated.

There being no other public comments, Ms. Palmer closed the public hearing.

Ms. Mallek stated that AHIP's track record is astonishing and has impacted many families. She said she is glad to see this application.

Ms. Palmer said she knows many people in Alberene and recognizes the needs.

Mr. Davis explained that Ms. Jordan has prepared a revised resolution for the Board to consider.

Ms. Palmer then offered **motion** to adopt the proposed resolution approving the County's submission of the application for Alberene Housing Rehabilitation Project and to authorize the County Executive to execute the application and all required certifications and assurances, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

(Note: The adopted resolution is set out below:)

RESOLUTION

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents and improving the livability of all neighborhoods; and

WHEREAS, the County of Albemarle applied for and received a Community Development Block Grant Planning Grant in 2015 to conduct a housing survey in southern Albemarle County; and

WHEREAS, the County of Albemarle in partnership with the Albemarle Housing Improvement Program (AHIP) identified the Alberene neighborhood as a potential site for housing rehabilitation efforts to address health, safety, and energy conservation needs in the aging housing stock; and

WHEREAS, after holding public hearings on January 6, 2016 and March 9, 2016, the County wishes to apply for up to \$1,000,000 in Virginia Community Development Block Grant ("VCDBG") funds for the Alberene Housing Rehabilitation Project ("Project") to support the rehabilitation of 25-30 homes; and

WHEREAS, Albemarle County annually appropriates local general funds to support AHIP's administrative costs; and

WHEREAS, all households proposed to receive assistance are low- and moderate-income; and

WHEREAS, the projected benefits of the Project are improved living conditions for 25-30 homes occupied by approximately 75 persons;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's submission of the VCDBG application for the Alberene Housing Rehabilitation Project and authorizes the County Executive to execute the application and any required certifications and assurances, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

CITIZEN PARTICIPATION ASSURANCES AND CERTIFICATION

The applicant assures and certifies that it has provided its citizens adequate opportunities to participate in the development of this proposal by:

- Holding at least two public hearings in the locality prior to the submission of the proposal, the first one for the purpose of obtaining the views of citizens on community development and housing needs and the second (held at least 7 days after the first) for the purpose of informing the public on the proposed CDBG project. Participation by low- and moderate income residents and stakeholders in the project or service area and the community at large was encouraged. The hearings were held at times and locations convenient to potential beneficiaries and with accommodation for the disabled. Public input into the development of this proposal was obtained at hearings held on:

January 6, 2016 AND March 9, 2016;
(date) (date)

- Publishing a notice to advertise the public hearings and availability of proposal information at least 7 days prior to the dates of the hearings in the non-legal section of a NEWSPAPER of local general circulation and AT LEAST ONE OTHER TYPE OF ANNOUNCEMENT. The advertisements ran on:

December 21 and 29, 2015 AND February 22, 2016;
(date) (date)

Advertisements for the two public hearing must be published separately. Applicants may not only publish one advertisement that includes information on both public hearings.

- Maintaining files which contain documentary evidence that the hearings were held. These files must contain proof of publication of the hearing notices, written and/or recorded minutes of the hearings, and lists of citizens attending the hearings;

- Making CDBG program and proposal documentation available to the public for comment during regular office hours. This documentation should include the range of proposed activities, the estimated amounts of funding which will benefit low- and moderate-income persons, the plans to minimize displacement and provide displacement assistance where applicable, and a summary of the proposed application. This documentation should also include public information on any other CDBG project undertaken within the last 5 years;
- Providing technical assistance to groups representative of persons of low- and moderate income that request such assistance in developing proposals for the use of CDBG funds, with the level and type of assistance determined by the locality;
- Providing timely written responses to written complaints and grievances, within 15 working days where practicable;
- Accommodating the needs of non-English speaking residents at public hearings where more than 5% of the attendees can be reasonably expected not to speak English; and,
- Adhering to the CDBG Citizen Participation Plan per the 2015 CDBG Program Design.

Chief Administrative Official

_____ Thomas C. Foley Name	_____ County Executive Title
_____ Signature	_____ Date

Attach original copies of all newspaper Public Hearing notices. Original notice copies should be clipped from the appropriate newspapers and attached with clear tape to 8 ½-inch x 11-inch white paper with the date of publication clearly visible. Photocopies should be made for other proposal copies

In Regional proposals, each participating locality must conduct two public hearings and the proposal must contain, from each participating locality, a signed copy of this page and copies of all newspaper advertisements. Again, originals in original copy and photocopies in other copies.

GENERAL ASSURANCES AND CERTIFICATION

The applicant hereby assures and certifies that:

- (a) It possesses legal authority to apply for the grant, and to execute the proposed program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the filing of the application including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- (c) Its chief executive officer or other officer of applicant who has been approved by the Virginia Department of Housing and Community Development:
 - i. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified at 24 CFR 58.5(a) through (h) which serve to further the purposes of NEPA insofar as the provisions of such Federal law apply to this Program;
 - ii. Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal and Commonwealth of Virginia courts for the purpose of enforcement of his responsibilities as such an official.
- (d) It will comply with the regulations, policies, guidelines and requirements of the Code of Federal Regulations (24 CFR Part 85), OMB Circular A-128 and Circular A-87 as they relate to the application, acceptance, and use of Federal funds under this Program; and, as applicable, all State laws and administrative requirements which may supersede them (by virtue of being more stringent).
- (e) It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards and Executive Order 12088 relating to the prevention, control and abatement of water pollution.
- (f) It will require buildings or facilities designed, constructed, or altered with funds provided under this Program to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A-117.1-R 1980, or Uniform Federal Accessibility Standards (UFAS) in accordance with the Virginia Uniform Statewide Building

Code. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

- (g) It will not recover the capital costs for public improvements financed in whole or in part with CDBG funds through assessments against properties owned and occupied by low- and moderate-income persons nor will fees or assessments be charged to such persons as a condition of obtaining access to the public improvements. (Per section 104(b)(5) of Title I of Housing and Community Development Act of 1974, as amended).
- (h) It will comply with:
- i. Title VI of the Civil Rights Act of 1964 (Pub. L 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance. A recipient, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin.

The project service area shall not be selected in such a manner as to provide services to a population in which the proportion of minority and other protected population groups is substantially lower than the proportion of those groups throughout the jurisdiction of the locality unless:
 - the areas of disproportionate concentrations of minority and other protected population groups has already been served, or
 - there are definite plans for the imminent provision of similar services to those areas, or
 - there is reasonable justification for the provision of services to the selected area notwithstanding the substantially lower proportion of minority and other protected population groups.
 - ii. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services.
 - iii. Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.602), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or part with funds provided under this Program. Any prohibition against discrimination on the basis of age under Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 as amended shall also apply to this Program.
 - iv. Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal assistance.
 - v. Executive Order 11246, and the regulations issued pursuant thereto 41 CFR Chapter 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts. Contractors and subcontractors on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.
- (i) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.
- (j) It will:

- i. In acquiring real property be guided, to the greatest extent practicable under State law, by the land acquisition policies in Sections 301 and 302 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
 - ii. Pay or reimburse property owners for necessary expenses as specified in Section 303 and 304 of the Uniform Act; and
 - iii. Comply with the applicable Sections (202 through 205) of Title II (relocation assistance) of the Uniform Act in providing relocation payments and relocation assistance; and
 - iv. Comply with DOT regulations at 49 CFR Part 24 in implementing the requirements, it will:
 - 1) Carry out the policies and procedures of Part 24 in a manner that insures that the acquisition and relocation processes do not result in different or separate treatment to persons on account of race, color, religion, sex, national origin, or source of income; and
 - 2) Assure that, within a reasonable period of time prior to displacement, comparable decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of race, color, religion, sex, national origin, or source of income; and
 - 3) Inform affected persons of their rights under the policies and procedures set forth under the regulations in Part 24, including their rights under Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended.
- (k) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- (l) It will comply with the provisions of the Hatch Act which limits the political activity of employees.
- (m) It will comply with the provisions of the Davis-Bacon Act as amended and the Contract Work Hours and Safety Standards Act as determined by the Secretary of Labor. This section shall apply to rehabilitation of residential property only if such property is designed for residential use of eight or more families.
- (n) It will give the Virginia Department of Housing and Community Development and the Comptroller General through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.
- (o) It will insure that facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Virginia Department of Housing and Community Development of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
- (p) It will comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, 87 Stat. 975, approved December 31, 1973. Section 103 (a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area, that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
- (q) It will in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archeological and Historical Data Act of 1966 (16 U.S.C. 469a-1, et. Seq.) by:
 - i. Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity, and
 - ii. Complying with all requirements established by HUD and the Virginia Department of Housing and Community Development to avoid or mitigate adverse effects upon such properties.
- (r) Assure upon funding, it will implement a "residential anti-displacement and relocation assistance plan," pursuant to Section 570.496a(b).
- (s) It will implement all required actions to ensure compliance pursuant to 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities.

- (t) The undersigned certifies, to the best of his or her knowledge and belief, that:
- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - iii. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- (u) Any survey information submitted with the application is a true representation of the data and has not been altered or fabricated. The survey was conducted and analyzed in strict accordance with the methodology stated.
- (v) The certification set out below is a material representation upon which reliance is placed by the U.S. Department of Housing and Urban Development in awarding the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the U.S. Department of Housing and Urban Development, in addition to any other remedies available to the Federal Government, take action authorized under the Drug-Free Workplace Act.

Chief Administrative Official:

Thomas C. Foley	County Executive
Name	Title
Signature	Date

DRUG-FREE WORKPLACE ASSURANCES AND CERTIFICATION

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about -
- i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
- i. Abide by the terms of the statement; and
 - ii. Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five days after such conviction;

- (e) Notifying the U.S. Department of Housing and Urban Development within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such condition;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –
 - i. Taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Chief Administrative Official:

Thomas C. Foley	County Executive
Name	Title
Signature	Date

APPLICANT DISCLOSURE REPORT

Part I – Summary Information

Applicant	County of Albemarle
Address	401 McIntire Road
	Charlottesville, VA
Contact Person	Ron White
Address	1600 5 th Street
	Charlottesville, Virginia 22902
Phone Number	434-296-5839
Project Name	Alberene Housing Rehabilitation Project
FIN or SS#	54-6001102
DUNS Number	066022047

Are you requesting CDBG funding of \$200,000 or more? x YES

If yes, the remainder of this Applicant Disclosure Report must be completed.

Part II– Other Governmental Assistance in Project

Source of Assistance	Program / Use of Funds	Type of Assistance	Amount
NONE			

Part III– Interest Disclosure

Interested Parties	Social Security / FIN Employer ID	Type of Participation	Financial Interest In Project (\$ and %)
NONE			

I hereby certify that, to the best of my knowledge, the information contained in this Applicant Disclosure Report is true and accurate.

Chief Administrative Official:

Thomas C. Foley
Name
Signature

County Executive
Title
Date

Agenda Item No. 10. **Public Hearing: Earlysville Through Truck Restriction.** To receive comments on its intent to request the Commonwealth Transportation Board to prohibit the use of through truck traffic, on the portion of Earlysville Road (Route 743 located between the intersections of Woodland Road (Route 676) and Dickerson Road (Route 606). This prohibition may apply to any truck or truck and trailer or semi-trailer combination, except a pickup truck or panel truck. **PROPOSED TRUCK RESTRICTION** – The portion of Earlysville Road beginning at the intersection of Woodlands Road (Route 676) heading north and terminating at the intersection of Dickerson Road (Route 606) a distance of 3.1 miles. **[Trucks will be allowed to turn right onto Earlysville Road (Route 743) from Rio Mills Road (Route 643) heading north, and will also be allowed to turn left on Earlysville Road onto Rio Mills when coming from Dickerson Road].** **ALTERNATE ROUTE** – Seminole Trail (US-29), Airport Road (Route 649), and Dickerson Road (Route 606) a distance of 7.6 miles. *(Advertised in the Daily Progress on February 22 and February 29, 2016)*

The executive summary presented to the Board states that at a meeting held on February 3, 2016, the Board scheduled a public hearing on the proposed Earlysville Through Truck Restriction on March 9, 2016. See the attached February 3, 2016 executive summary (Attachment E).

To advance the through truck restriction request, Virginia Code § 46.2-809 requires that the Board formally request the Commonwealth Transportation Board or its designee to restrict through truck traffic (truck, truck and trailer, and semi-trailer combination, except pickup and panel trucks) on Earlysville Road after holding a public hearing on the request. The Board would make the formal request by adopting a Resolution. Pursuant to Virginia Code § 46.2-809, the Commonwealth Transportation Board or its designee shall decide whether to restrict truck traffic on Earlysville Road within nine months of its receipt of the County's request.

Proposed truck restriction route - The portion of Earlysville Road beginning at the intersection of Woodlands Road (Rte. 676) heading north and terminating at the intersection of Dickerson Road (Rte. 606), a distance of 3.1 miles (see attachment C). Trucks will be allowed to turn right onto Earlysville Road (Rte. 743) from Rio Mills Road (Rte.643) heading north, and will also be allowed to turn left on Earlysville Road onto Rio Mills when coming from Dickerson Road.

Alternate route - Seminole Trail (US-29), Airport Road (Route 649), and Dickerson Road (Route 606), a distance of 7.6 miles (see attachment C).

Staff analysis of this proposal based on VDOT Through Truck Restriction Guidelines is provided in Attachment H, and a vehicle classifications diagram has been added for reference (Attachment J). In summary, staff has determined that the proposed area of the through truck restriction meets VDOT's criteria to be eligible to restrict through traffic.

No anticipated budget Impacts

Staff recommends that the Board adopt the attached Resolution (Attachment I) after holding the public hearing to formally request the Commonwealth Transportation Board or its designee to restrict through truck traffic (truck, truck and trailer, and semi-trailer combination, except pickup and panel trucks) on Earlysville Road.

Mr. Gerald Gatobu, the County's Transportation Planner, explained to the Board that a locality may formally request the Commonwealth Transportation Board to place restrictions on through-trucks on primary and secondary roads. Mr. Gatobu stated efforts to request such restrictions on a portion of Earlysville Road formally began in 2014 when the Board directed staff to prepare an application to restrict trucks with trailers and semi-trucks on a Route 743 between Rio Road and Dickerson Road, but not pick-up trucks or panel trucks. Mr. Gatobu noted that most residents of Earlysville Road signed petitions in favor of the restriction.

Mr. Gatobu stated that through-truck restrictions can only be granted if four conditions are satisfied. A reasonable alternate route must be identified, the road must be residential and classified as a local or collector road. Mr. Gatobu stated the opinion of staff is that the character of the road is not compatible for truck traffic and creates an unsafe environment between trucks and other vehicles. The alternate route proposed by staff is Seminole Trail, Airport Road, Dickerson Road at Earlysville Road and the average travel time is 14 minutes. Mr. Gatobu recommended the Board adopt the resolution.

Mr. Sheffield stated he has another option he wants the public to consider as they make their comments. He noted this road is in his district and he heard about this issue when he had been a candidate. Mr. Sheffield specifically said the impacts from the Rockydale Quarries had been mentioned by citizens during the campaign. He said the safety concerns are valid and that truck traffic causes disruption for Earlysville Road citizens. He also stated that economic development concerns are also valid and the Board needs to find a balance while addressing safety concerns.

Mr. Sheffield suggested imposing a reduced speed limit for trucks rather than a restriction and place a \$200 fine for violators. He said the sharp curves on the road compound safety concern. Mr. Sheffield said lower speeds and enforcement could mitigate those concerns without hurting businesses that use the road. He stated this is a compromise and restrictions could be revisited in the future.

Ms. Palmer asked Mr. Sheffield if he had spoken with Joel DeNunzio, Administrator of the Virginia Department of Transportation's Charlottesville Residency. Mr. Sheffield stated that he had. Ms. Palmer asked Mr. DeNunzio to address the Board.

Mr. Joel DeNunzio of VDOT stated he had a conversation with Mr. Sheffield and that it would take an engineering study before a decision can be made on lower speeds for trucks. Mr. DeNunzio said he would also need to find out if lowering the speed to 35 miles per hour for trucks would allow the \$200 maximum fine to be imposed.

Ms. Mallek stated the limit on Morgantown Road is 25 miles per hour and all traffic is subject to the maximum fine. Mr. Denunzio said the maximum fine is also in place on Carrsbrook Road.

Mr. Sheffield said another option could be to lower the speed limit on Earlysville Road to 35 miles per hour for all vehicles.

Mr. Denunzio said that would be considered in the engineering study and that the geometry of Earlysville Road possibly keeps trucks going slower.

Mr. Sheffield said another option is a connector road between Rio Mills Road and the future extension of Berkmar Drive.

Ms. Mallek said she would be surprised if that one is contentious.

Mr. Denunzio said VDOT has discussed that option and funding would be needed.

Mr. Sheffield asked Mr. Denunzio to give a status update on paving Rio Mills Road. It is on the secondary six-year program, but is not funded until the final year. Mr. Denunzio explained how the costs of the paving project can be lowered if it qualifies for VDOT's Rural Rustic paving program.

Ms. McKeel asked for an explanation of the funding for Rio Mills Road paving project and how other money can be applied. Mr. Denunzio stated there are still funds left over from the Jarmans Gap Road improvements and the John Warner Parkway. Right of way negotiations need to be concluded before those projects can be closed. Mr. Denunzio also stated the County can apply for funding through Virginia's HB2 process or the revenue-sharing program.

Mr. Sheffield repeated his explanation for bringing forth his suggestion.

Ms. Palmer asked if he will be making a motion. Mr. Sheffield responded he is open to proceeding however the Board wants, after the public hearing.

Mr. Dill stated that he has heard from citizens concerned about how the restrictions will affect the road following completion of construction of projects on U.S. 29.

Mr. Sheffield said disruption on Earlysville Road from trucks servicing the Rockydale Quarries will not stop when those projects are completed unless the connection to Berkmar Drive Extended is made.

Ms. Mallek stated that she feels discussion is more appropriate after the public hearing.

The Chair opened the public hearing and invited public comment.

Ms. McKeel noted that 21 people have signed up which means that speakers have two minutes to make their comments.

Mr. William S. Tomlin and Ms. Donna H. Tomlin, Rio District, presented a video of Mr. Tomlin reading a letter to the Board that urged the Board to support the through-truck restrictions to get dump trucks and 18-wheel trucks off of the road. He said Earlysville Road is not adequate for such vehicles if they are not making deliveries. Mr. Tomlin said large diesel trucks pollute the air and water in the Rivanna River watershed and there are insufficient road shoulders for large trucks. He said he has witnessed trucks crossing the double-yellow line and large trucks using Earlysville Road as a short-cut and bypass for vehicles looking to avoid U.S. 29 and traffic lights. Mr. Tomlin said he has requested help from the Albemarle County Police Department with enforcement. He said restricting trucks from Earlysville Road would be a start to calming down the road and that a maximum \$200 fine would also increase awareness of speed.

The video then shifted to Ms. Tomlin reading from a letter while the camera depicts a car traveling on the road. Ms. Tomlin stated the road is as narrow as 20 feet at one point and that curves restrict the line of vision. She noted that a fence at Round Hill Farm is often damaged by vehicles unable to navigate the tricky curves in the road. Ms. Tomlin also noted other hazards along the road that lead to rear-end collisions and stated the design of the road between Dickerson Road and Rio Road is unsafe for truck traffic.

Mr. Richard Rys of Reas Ford Road stated the proposal to restrict heavy truck traffic on Earlysville Road is ill conceived on many levels. He said a ban on trucks will divert traffic onto Reas Ford Road and that road is also inadequate for trucks because of unsafe pavement, blind curves and hills. Mr. Rys said Reas Ford Road will also need restrictions if they are placed on Earlysville Road, and if they are not it will be a wanton disregard of public safety. Mr. Rys said truckers are good at finding alternate routes and the County will have to extend restrictions to many other roads in Western Albemarle. He said that Earlysville Road must remain unrestricted.

Mr. Dave Segars stated he is a resident of Earlysville Road and owns an engineering firm that employs 14 people. He said he is familiar both with traffic studies and the concerns of Earlysville Road residents. However, he said the alternate route proposed is a sufficient replacement. Mr. Segars said that trucks are loud and frequently there are multiple problems on Earlysville Road including low shoulders and 20-foot-wide roads. Mr. Segars said that anything less than banning trucks will be a cop-out, but said the restrictions should at least be made to vehicles with three or more axles.

Mr. Don Cantore stated he is a resident of Earlysville Road and is the president of Fielder's Choice Enterprises. He said he is against the truck restrictions on Earlysville Road, but supportive of Mr. Sheffield's proposal to lower the speed limit for trucks. Mr. Cantore said the County's rural roads are insufficient for most vehicles because of traffic volume and he would like County staff and supervisors to upgrade roads so they are sufficient. He said that Earlysville Road is an alternative route to U.S. 29 and it needs to be upgraded. Mr. Cantore stated that bicycles are the most dangerous vehicles on Earlysville Road because there are no bike lanes or shoulders.

Mr. Timothy Hulbert stated he works for the Charlottesville Regional Chamber of Commerce. He said the Chamber is concerned that restricting Earlysville Road could create harm for businesses, increase costs for consumers and decrease public safety on other roads. Mr. Hulbert said the business community welcomed Rockydale Quarries to the County, and the truck restrictions would be a reversal of that welcome. He stated the traffic study conducted did not show a single accident involving a truck, and that data does not warrant closing the road to trucks. Mr. Hulbert said there are other commercial vehicles that depend on the road to carry goods.

Mr. David Willis is the Vice President of the Rockydale Quarries Corporation and stated he appreciates Mr. Sheffield's alternate proposals. Mr. Willis said that his company's review of the County's police records found that speed and loss of vehicular control is frequent. Mr. Willis stated that he feels the restrictions are a solution looking for a problem, and there is no data that shows that trucks are dangerous. He added that County Supervisors should not impede commerce without data and that over 115 County businesses and their employees will be affected. Mr. Willis said he believes lower speeds for trucks and increased enforcement would be a better alternative. He asked the County to evaluate a connector road to Berkmar or paving options on Rio Mills Road, and the restrictions should be tabled until after work is completed on the U.S. 29 projects.

Mr. Gary Hubbard stated that he lives in the Rio District and shares his observations of the issue. Mr. Hubbard said he is opposed to the restrictions because they will create a financial hardship on businesses in the area. He stated that he travels the corridor four to six times a week and recently set his cruise control at 45 miles per hour and was the bottleneck for commuter and other forms of traffic. Mr. Hubbard urged the County to enforce the speed limit.

Mr. Joe Wallace of Davenport Engineering stated that he is representing Rockydale Quarries. He said that Mr. Sheffield's proposal to consider other alternatives injects other information than what is in the resolution. Mr. Wallace asked why the restrictions are restricting trucks from Earlysville Road to Dickerson Road. He said the study is invalid because several of the study points are outside the study area. Mr. Wallace stated the one accident involving a truck occurred outside of the area that would be restricted.

Mr. Tom Wharton stated he is a White Hall resident who works in the Rio District and learned to drive on the roads of northwestern Albemarle County. He said it was intimidating to come across big trucks, but that drivers are professionals and are very concerned and aware of other motorists. Mr. Wharton said that pointing the problem at truck drivers is foolish for they are the ones with the most to lose. He said that 99% of the roads in the County have the same conditions as Earlysville Road and wants to know where restrictions will stop. He said that Rockydale Quarries is a family-owned business concerned about the community, health and safety of the community while providing the necessary service of getting rock to its customers.

Ms. Blair Williamson stated that she is the President of S.L. Williamson Company that owns three asphalt plants, including two in Albemarle County. She stated her opposition to the restrictions on Route 743, and would have no problem with the lower speed limit or imposing the maximum fine. Ms. Williamson said she is a Jack Jouett resident who has lived in Albemarle for 50 years and a business owner for 20 years. She stated that growth and conversation should be balanced and businesses that rely on trucking have a hard time functioning due to the lack of an effective transportation network including insufficient bridges. Ms. Williamson said that Earlysville Road is the only north-south parallel to U.S. 29 and closing it to trucks would be short-sighted and will increase the cost of doing business. Construction on U.S. 29 is restricting that corridor and closing Earlysville Road to trucks will increase the cost of living in Albemarle County.

Mr. Whitney Hoffacker stated he is the General Manager of Charlottesville's Rockydale Quarries and there are 15 employees who are concerned about the impact the restrictions will have on their

business. Mr. Hoffacker said he is opposed to the truck restrictions because they will add time and road miles to deliveries, increasing the chances of risk and fuel consumption. He stated the truck restrictions will be an undue hardship on 115 business and he supports Mr. Sheffield's alternate proposal.

Mr. Steve Ponton stated that he lives in the Jack Jouett District and works at the Rockydale Quarries. He said his street, Woodland Road, has just as much traffic as Earlysville Road. He said that local truck drivers work together to be safe.

Mr. Jim Poole said he lives on a cul-de-sac off of Reas Ford Road and stated he is not against economic development or trucks, but trucks need to travel on appropriate infrastructure. He said that he is against the restrictions because it will allow large trucks to leave Earlysville Road and travel south on Reas Ford Road. Mr. Poole said that road is less sufficient than Earlysville Road and has poor conditions. Mr. Poole said the engineering study should have looked at the wider network of roads. He said that he supports the study of other alternatives.

Mr. Eric Stone stated that he works for Rockydale and uses Earlysville Road as an alternative to U.S. 29 and has not experienced problems with trucks. He said that most of the problems are with speeding cars and bicycles. Mr. Stone said this would not have been an issue if the bypass had been built.

Mr. Neil Williamson of the Free Enterprise Forum showed a presentation entitled Don't Close Earlysville Data and said the Commonwealth Transportation Board believes roads are for everyone and that restricting classes of vehicles should only be done if it does not create an undue hardship. Mr. Williamson stated that trucks with more than three axles only make up less than one and a half percentage of the vehicles according to the study commissioned by the County. He also said the crash history does not correlate with truck traffic. Sixty crashes were recorded on the roadway between 2012 and 2015 and only one of those involved a truck and that was a two-axle truck.

Mr. Donnie Foster stated that he is a resident of Earlysville Road for 39 years and has never seen a tractor trailer have an accident on the road. He stated he is the owner of the Earlysville Business Park on Reas Ford Road along with Coran Capshaw and he also owns Foster Well Company. Mr. Foster said the restrictions will cause 76,000 pound vehicles to divert to Reas Ford Road. He added that another well-drilling company would also use that route as an alternative. Mr. Foster said he would support Mr. Sheffield's proposal to lower the speed limit for trucks on Earlysville Road.

Mr. Eddie Gupton stated that he works for Rockydale Quarries and the only means of transporting their product is by truck. Mr. Gupton stated the company has two of its own trucks, but contracts with between 7 and 15 hauling companies and 35% of the quarries' output is picked up by customers. He added that other companies also have trucks on Earlysville Road and listed them. Mr. Gupton said the alternate proposed route is not reasonable and will add more than 15 minutes to round-trips and would have cost the company \$200,000 in 2015 if the restrictions had been in place.

Ms. Pam Silvers stated that she lives on Earlysville Road and hears what everyone else has said. She stated that no one should be driving more than 45 miles per hour, but everyone does anyway. Ms. Silvers stated that cars are the main violators of the speed, but it is intimidating when a fully-loaded truck might come around a blind corner and encounter a stopped vehicle. Ms. Silvers said the noise from air-braking trucks is also an issue for the people who live on the road.

Ms. Helen Cauthen of the Central Virginia Partnership for Economic Development stated that she is opposed to the truck restrictions. She said that tax revenues might be affected if the restrictions are put in place and not imposing them would be good news for the business community.

Ms. Palmer closed the public hearing and invited comment from the Board.

Ms. Mallek stated the move to enact truck restrictions has nothing to do with Rockydale Quarries and dates back 15 years. She said this has been a long process for neighbors over the years to try to bring this forward. Previously the campaign was not able to secure as many petitions and was abandoned. Ms. Mallek said the neighborhood's ability to secure the petition this time marks an increase in their misery. She added that Mr. Sheffield inherited the issue from his predecessor.

Ms. Mallek said the neighborhood at one point tried to create a campaign to take back the road which encouraged motorists to drive 45 miles per hour. She stated that she has experienced people flashing their lights at her for driving the speed limit and that reflects society's impatience.

Ms. Mallek stated that Reas Ford Road is not supposed to have trucks on it and this was discussed when the Murray electric plant was converted to the Earlysville Industrial Park. She said there were stipulations then that truck traffic would not use Reas Ford Road, but in the last several years it has begun to occur as drivers rely on GPS to navigate to their destinations. Ms. Mallek also said the stipulations might not have been written down and could not be found before the public hearing. She suggested signs could be placed at the entrance of certain roads to tell truck drivers they are not suitable.

Ms. Mallek commented that she was surprised at Mr. Sheffield's alternate proposals and said she wants to lay out a sequence so the neighborhood effort is not abandoned. She stated the proposed connector road is not imminent and there has already been a difference on Earlysville Road in the past month. Ms. Mallek said that she would be happy to discuss the alternatives.

Mr. Sheffield asked Mr. Davis what the shelf life is for the resolution. Mr. Davis replied that as long as there is no change in circumstances the resolution is still valid, but he urges the Board to not defer it for too long and suggested they should act within six months lest it become a stale argument.

Mr. Sheffield said the six months will be enough time to explore the other alternatives.

Ms. Mallek asked Mr. Denunzio how long it will take to study the road for lower speed limits for trucks and he responded it would take 45 days to come up with recommendations and he will request the study immediately. Mr. Denunzio stated that he will look into whether the maximum fine of \$200 can be imposed for truck drivers.

Mr. Sheffield said it will take 60 days after the County receives the study to take action and schedule the necessary public hearings. Mr. Davis said the enhanced fine cannot be imposed until the road's speed limit is reduced to 35 miles per hour and the County will have to demonstrate residents of the road support the lower limit.

Ms. Palmer asked Mr. Denunzio to comment on issues of enforcing speed limits on Earlysville Road. Mr. Denunzio stated that it is hard for officers to find places to pull over vehicles and that VDOT has had similar conversations with the County regarding Route 231 and Route 22.

Ms. McKeel stated that she is concerned about unforeseen consequences of reducing speeds and fines might push people to Reas Ford Road as well. She asked if the section between the South Fork Rivanna Reservoir and the Rock Store will be included in the area for speeding fines. Mr. Denunzio said he is not sure, but the functional classification for the road in that section is an arterial road and the fine cannot be applied on that section.

Mr. Randolph thanked Mr. Sheffield for bringing the proposal forward. He stated the Board should have a larger discussion of rural road policy.

Mr. Randolph said that Route 22 and Route 231 has similar issues such as no shoulders and asked Earlysville Road residents if they are prepared to have the road widened to make it safer for all vehicles, including bicycles. He stated that bicycles are considered vehicles under state law and that they predate the automobile. Mr. Randolph said the Planning Commission should be asked for ways to make all rural roads safer.

Ms. Palmer stated that she travels the road and understands the speeding concerns on Earlysville Road.

Ms. Mallek suggested a motion that directs VDOT to study the speeds and the connector road, but also to put the CTB request on hold so that it can be activated again in the future.

Mr. Dill said the Board can put the item on hold and Mr. Davis said the Board can defer the action until a specific date.

Mr. David Benish, Chief of Planning, said the Board will soon recommend its transportation priorities and the connector road can be discussed then. He stated that an update on funding can be provided then.

Mr. Foley said he will schedule an update for June.

Mr. Davis said that if the Board opts to lower the speed limit to 35, it will take a period of time to determine if speeding is still an issue and the maximum fine of \$200 can be imposed.

Mr. Sheffield then **moved** to defer action until June 1, 2016, with the expectation of information from VDOT as well as feedback from the Rio Mills community. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.

NAYS: None.

Recess. The Board recessed at 7:52 p.m., and reconvened at 8:04 p.m.

Agenda Item No. 11. Executive Summary Process Improvement.

The executive summary presented to the Board states that executive summaries serve a critical role in communicating information and initiating dialogue between Board of Supervisors members, staff and the public regarding issues facing the County. Executive summaries serve as the Board's introduction to and overview of topics that lead to important decisions and actions, so clarity, accuracy and comprehensibility are essential. Staff is aware that Board members wish to consider improvement possibilities to increase the value of executive summaries as a communication and information sharing tool. As a component of embarking on revisions to the executive summaries to improve their functionality, staff believes it is important to hear directly from Board members to receive feedback to guide improvement efforts.

Knowing the importance of executive summaries, staff is eager to engage with the Board to hear direct feedback about how the summaries can best meet the needs of Board members and fulfill a productive role in the legislative process. Staff believes that greater clarity regarding specific standards and practices desired by the Board will help staff produce consistent, high quality materials that will provide clear, relevant information to the Board. Currently there are many technical experts from across the organization authoring the executive summaries, and managers from many departments providing different levels of review. Clear and specific standards and guidelines will help achieve consistency in quality and format in the summaries that come forward to the Board and the public.

In presenting this agenda item, staff is interested in Board members' assessment of current executive summaries, including:

- What do you find helpful in executive summaries as you have been reviewing them to date?
- What do you find challenging in executive summaries as you have been reviewing them to date?
- What would make executive summaries more useful to you in your deliberations/decision making?
- Are there format changes that would improve the clarity and/or comprehension of executive summaries?

Based on feedback provided during this discussion, staff will come back to the Board with specific revisions for final consideration and approval.

There is no budget impact associated with this item.

Staff recommends that Board members provide specific feedback on their preferences regarding possible revisions to the format and content of executive summaries to guide staff in developing standards and guidelines.

Ms. Lee Catlin, Assistant County Executive, presented the Board with ways to improve the executive summary process. She stated they play a critical role in initiating dialogue between the Board, staff and the public regarding issues facing the County and that clarity and accuracy are essential. Ms. Catlin stated that she is aware the Board wants to revise the process to improve their functionality to support decision-making.

Ms. Catlin stated that there are lots of stakeholders in the process and all realize the critical role of the executive summaries and are trying to promote clarity and content. She demonstrated the current template and style guide for how the executive summaries are put together and explained some changes have been made since adopting the Granicus system for storing video. She said that one of the elements in the template is a description for how the executive summary relates to the Comprehensive Plan and strategic plan. Ms. Catlin summarized the discussion section, the budget impact section, and staff recommendations.

Ms. Catlin stated the executive summary process is an on-going process and changes have been made recently including the addition of Granicus, which she said has improved accessibility and transparency to the public. She also stated that an effort is being made to provide more pros and cons and referred to the March 2015 Solid Waste Alternatives Discussion. Ms. Catlin said the County Attorney's office has been drafting resolutions in advance such as the February 2016 consideration of changing the County's holiday schedule. Another process improvement has been for staff to identify opportunities for the public to get involved.

Ms. Catlin said she wants the Board to weigh in on the balance of information they need versus longer documents that might be too long.

Ms. Catlin asked the Board what has been helpful in the past to guide them to good decision-making.

Mr. Sheffield noted that when he first began getting them they were foreign, but he has grown used to the format. He stated that he appreciates brevity and he wrote executive summaries for the City of Tallahassee and was often too long-winded. Mr. Sheffield stated that he was not aware of this being an issue for the public.

Mr. Dill asked what brought this item to the Board's attention. Mr. Foley responded that there had been feedback and felt the six supervisors should have a discussion.

Ms. McKeel stated the recent adjustments made by staff have been an improvement.

Ms. Palmer said she has no problem with the format and was used to it before becoming a supervisor. She stated that she sometimes runs into problems in the discussion points and that sometimes there is not enough clarity. Ms. Palmer suggested adding more bullet points and that staff should provide more background to supervisors who may not be experts in the subject matter. She said she wanted to not have to dig through several other documents, including Planning Commission minutes, to get to the real core of a subject.

Ms. McKeel said that in the past she has been overwhelmed with too much old information and the new format is working well for her. She said that links to attachments do not take the replacement of information that should be given to supervisors.

Mr. Davis said the style for executive summaries for land use matters has recently been changed for the Board and now update issues since action of the Planning Commission rather than referencing attachments.

Ms. Palmer stated the planning executive summaries have frustrated her in the past.

Ms. McKeel said that discussions of rezoning and planning go smoothly when the supervisors understand the matter before them.

Ms. Mallek said that it is not the role of staff to make matters easy for supervisors. She stated that staff should lay out options and facts and clearly explain where more information can be found. Ms. Mallek said the Board flounders in decision-making when there is contention in the audience.

Ms. McKeel said she is not accustomed to information regarding land use.

Mr. Randolph said the Planning Commission executive summaries lay out factors both favorable and unfavorable, but commissioners always have to do their homework and weigh those factors. He stated that Mr. Gatobu's executive summary for Earlysville Road did not have counterarguments to his recommendation and that should not be expected. Mr. Randolph said that staff are asked to make objective recommendations and it is up to the Board to determine if they agree. He stated that he appreciates brevity and would not like executive summaries to be more than two pages.

Ms. Mallek said there are going to be issues with certain matters and the Board should do the best it can.

Ms. Catlin said the executive summary is part of the conversation and staff members can add information during their presentation.

Mr. Foley said that more bullet points can be added and Mr. Randolph said that he does not want to lose context. He again used Mr. Gatobu's report on Earlysville Road as an example of how he learns information about items.

Ms. Palmer stated that she does not think staff wants to convert the executive summaries to all bullet points. Mr. Randolph stated that he does not want the summaries to be any longer.

Mr. Foley said there has been a comment about whether summaries cover options enough. He stated they could offer more pros and cons in certain topic areas.

Mr. Dill stated that he is not sure how staff comes to recommendations in non-controversial situation issues such as with the Alberene AHIP discussion.

Ms. Mallek said that staff lays out whether such policies meet state agency guidelines, but it is up to the Board to make decisions on how to proceed.

Mr. Foley said there is a prescribed process for many decisions.

Ms. Mallek stated that the Adelaide public hearing that will come before the Board will offer lots of points of view about development in Crozet.

Ms. Palmer stated that staff recommendations carry a lot of weight with her.

Mr. Dill said they provide a degree of certainty.

Mr. Davis said that staff has to make judgment calls and sometimes there is a clear recommendation, but there are also instances where it is a close call between two equally good ways to proceed. He said the staff operates on a case by case basis but some localities always offer pros and cons.

Ms. Mallek said the system works for her.

Mr. Dill said the system works for him.

Mr. Foley said they will try to include more information on recommendations when necessary.

Mr. Dill said he feels the portion of the summary that mentions connection to the strategic plan might be optional.

Ms. Mallek said it was put in to anchor each item to the plan for the benefit of members of the public who may not know the plan.

Mr. Foley stated he had brought the item before their Board for their feedback and welcomes their comments.

Ms. Mallek said that she wants summaries to have precise language and avoid generalities.

Ms. Catlin stated that staff will take their comments to heart and told Supervisors to let her know if they have issues with specific executive summaries.

Agenda Item No. 12. From the Board: Matters Not Listed on the Agenda.

Ms. Palmer invited the Board if they have any items to discuss not listed on the agenda. After none was offered, she stated that there is a question about the Chamber dinner for veterans that costs \$45 for each attendee and \$1,000 for a table with ten seats. Ms. Palmer said the Board has paid for a table for years in a row and she wants to know if they should have the County purchase them or if each supervisor should buy an individual ticket.

Mr. Sheffield said he had raised the issue and asked Mr. Foley if there are ten veterans who work for the County.

Ms. Mallek said the \$1,000 is a sponsorship.

Mr. Dill said that comes with a table.

Mr. Sheffield said there are more than ten veterans and Mr. Davis said that a slideshow at a Veterans Day presentation listed over 60 County employees who are veterans. Mr. Sheffield said that he is confident Mr. Foley can allocate the seats and that supervisors who want to go themselves should pay individually.

Mr. Davis said that if the Board does not attend the payment to the Chamber would be considered a donation and would require approval.

Ms. McKeel stated that she does not understand how the Chamber events work and whether dues pay for the lunches sponsored by the Chamber.

Ms. Mallek said she did not realize for six years that the County would pay for Chamber lunches.

Ms. McKeel said that she would go to Chamber School Board events and be billed for going and that the County schools belonged to the Chamber, but the County government does not yet belong. She said she would like some clarity.

Mr. Dill asked where the money to join the Chamber comes from. Ms. Palmer responded that it comes out of the Board's budget and costs \$1,200 a year.

Ms. McKeel asked if that includes attendance to Chamber events and was told it does not.

Mr. Randolph said that his issue is whether the Board should pay to sponsor events during a time of austerity. Mr. Randolph said the County needs to find a \$1 million in savings and urged supervisors not to proceed.

Ms. McKeel said she thought that initially but suggested it would be awkward to select the veterans.

Ms. Palmer agreed and asked Mr. Davis to explain why the County can join and donate to an advocacy group.

Mr. Davis said there is specific enabling authority to allow the Board to donate to charitable organizations and the Chamber is one of those entities. He stated the Board is prevented from donating to certain groups and cannot make a donation directly to a veteran from County funds, but can donate to the Chamber. Mr. Davis said that the Agency Budget Review Task Force process determines which non-profit groups will receive funds and the Virginia Festival of the Book is one example and they provide a table in exchange. Mr. Davis said that sometimes the Board will be approached by a new nonprofit group during the year outside of the budget cycle and the Board will be asked for a sponsorship.

Ms. Palmer asked for a copy of the list of organizations the County can donate money to. Mr. Davis said that he will send a link to the statute in the Virginia Code.

Mr. Foley said he will provide a list of examples to provide clarity.

Ms. McKeel said that Supervisors are asked to represent the County and it gets complicated and the Board has to be careful.

Mr. Foley said that he believes the main issue has been resolved.

Ms. Palmer said she would write a letter saying the County would not be proceeding.

Mr. Randolph said he would rather the money be used to honor veterans on Flag Day.

Ms. McKeel said the supervisors have a good ceremony on Veteran's Day.

Ms. Palmer repeated she would write a letter to the Chamber explaining why the County is not participating.

Ms. Mallek asked about an upcoming legislative breakfast.

Mr. Dill wanted to know more about when individual supervisors can use County money set aside for events.

Mr. Foley said that there is no expectation that elected officials will go to all events and pay for them and it is a judgment call.

Ms. Mallek said the African American Teaching Fellows event is not a group the County supports and she has paid to attend dinners.

Mr. Foley said he will work on creating a policy to clarify attendance of events.

Ms. Mallek said the Charlottesville Business Innovation Council dinners are another example of events that have been supported in the past. Mr. Randolph said there should be a dinner.

Mr. Foley stated that he will look at what other localities do.

Ms. McKeel said that on occasion the County is offered free tickets and she always turns them down and pays her own way rather than keeping track of gifts.

Mr. Foley said that would fall under conflict of interest laws.

Mr. Randolph said if the Board does not have a policy there will be misunderstandings. He pointed out that Board members had recently been asked not to attend an economic development meeting and people notice when they are not in attendance. Mr. Randolph stated that a legislative breakfast is tied to the job of supervisors.

Ms. McKeel said that she pays for events for herself and Mr. Randolph said that is a good practice he will follow.

Agenda Item No. 13. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said that he is looking for a date for another budget work session and the choices are March 31, April 5 or April 7. He stated the final community budget session is on April 7 in North Garden but Supervisors can hold a work session on the 7th.

Mr. Randolph said the Thomas Jefferson Planning District Commission meets at 7:00 p.m. on the 7th.

The Board reached consensus that April 5 is the best date, but they also agreed to reserve time on April 7 for another opportunity for a work session.

Mr. Foley reminded the Board of upcoming community budget sessions and asked if all members will attend.

Mr. Davis said that if quorums do not attend the community budget sessions they will still be noticed appropriately.

Mr. Foley said the community Board meetings will be advertised and staff will give a presentation of the budget and the school system will be participating as well. He wanted to confirm that Board members would be there to answer questions, but long dialogues are not the point of these meetings.

Agenda Item No. 14. Adjourn to March 15, 2016, 7:00 p.m., Jack Jouett Cafeteria.

At 9:08 p.m., Mr. Randolph made a **motion** for the Board to adjourn the meeting until March 15, 2016 at 7:00 p.m., in the Jack Jouett Middle School Cafeteria. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

Chairman

Approved by Board
Date: 06/01/2016
Initials: TOM