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Albemarle County Board of Supervisors Regular Second Meeting, Wednesday, May 15, 2024

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[00:00:01] Thank you. I'm pleased to call to order this regular meeting of the Albemarle County Board of Supervisors on the 15th of May, 1 p.m. in Lane Auditorium. A note of this, we have Supervisor Mike Pruitt of the Scottsville District, Supervisor B. Lapisto-Kirtley of the Ravana District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor Ned Galloway of the Rio District, Supervisor Ann Malick of the Whitehall District, and myself, Jim Andrews, representing the Samuel Miller District. A quorum is present. We're also joined here by our County Executive, Mr. Jeff Richardson, our County Attorney, Mr. Steve Rosenberg, and our Clerk, Ms. Claudette Borgerson.

[00:00:34] Also, let me please welcome the Albemarle County Police Officers present, at least those who are serving us today in official capacity. We have so many present, I'm thrilled. But we have, in particular, Master Police Officer Dana Reeves and Senior Police Officer Alex Davis for today.

[00:00:52] We thank all of you, though, for your service here today and for your work you do and your colleagues on behalf of us every day for our safety and security. If all present could now stand as you are able and join us in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America, the republic for which it stands, one nation, under God, indivisible, liberty, and justice for all.

[00:01:22] Thank you. And if you could now join us for a moment of silence. Thank you.

[00:01:54] Our first item is adoption of the final agenda. Because the afternoon agenda is a little lighter than originally anticipated, board, I'd like to suggest that we could move, with the county executive's permission, item 12 from the county executive to after item 9, probably after a recess.

[00:02:12] Yes, sir. Depending upon the time and when we finish that item. Then follow that up with item 18 from the board, committee reports and matters not listed on the agenda. If that is acceptable, then the floor is open for a motion to adopt the final agenda as amended. So moved.

[00:02:28] Second. So we have a motion from Supervisor McKeel, second from Supervisor Malek, without objection, if the clerk would call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Curtley? Aye. Ms. Malek? Yes. Great. We'll now move to item five, which is brief announcement by board members.

[00:02:49] We'll start with our order for today. Supervisor McKeel? I don't have any this morning. Thank you. Supervisor Malek? Thank you. Just to report that the Virginia Association of Counties State Board Meeting was held here at the Kempton last weekend.

[00:03:05] And I wanted to thank particularly the CAPE and finance staff of the county as well as the staff of the Convention and Visitors Bureau for their assistance with this really successful event. All the participants are eager to return to visit at their leisure. Planning a potential outdoor event seemed to be the trigger to make it start raining.

[00:03:22] And I was warned of all that that was going to happen, and I was thrilled that the nine weeks of almost no rain is over. So you can thank me for that. I was also very inspired on Monday night to attend the PVCC graduation. The life stories of the applicants, the participants, the graduates, and their list of accomplishments and overcoming hardships is really an amazing event to hear.

[00:03:46] There were people who are young and old parents, high school students, veterans, first family post-high school individuals, people getting their GED at 59 years old. The stories went on and on. Elders pursued their education to benefit their grandchildren and their children and inspire them.

[00:04:05] And young students get their graduation to improve their future. I also really appreciate the new focus, stronger focus, that President Jean Runyon has brought onto the workforce system at PVCC. So I'm looking forward to lots more partnerships with her. And just yesterday, there was an announcement from Preservation Virginia.

[00:04:26] The oldest preservation organization in the United States from the 1850s announced that their most endangered properties for 2024. A celebration of this recognition was held yesterday by the descendants of the founders of the Mount Carmel Baptist Church in Browns Cove.

[00:04:42] As described by the descendant Daryl Howard, the church was built in the current location in 1879 as a landmark to the formerly enslaved and their descendants for people who own nothing to have place that was theirs this small but mighty congregation which remains is also supported by many neighbors working to restore the adjacent 19th century mount carmel schoolhouse schoolhouse number nine on the 1911 county map sugar hollow schoolhouse just down the road is schoolhouse number 10 and both were built from a modeled block a lumpy block

[00:05:19] that was actually made from clay on Clark Road by local farmers for those constructions. And you see the schoolhouse in Whitehall, the buildings on the square in Crozet, all using that same block.

[00:05:36] Discovery of and restoration of these gathering places of remembrance builds our community strength. And I commend the congregation for their past and their future efforts in this regard. And I also ask the board to keep in mind and consider future learning about ordinances that have been adopted in other counties in Virginia to protect, to allow Edmonton County to actually uphold its obligation as given by the state legislature to protect cemeteries, which are being bulldozed right and left.

[00:06:09] And we have no ordinance to protect them right now. And I thank you very much. Thank you. Supervisor Lupista Kirtley. Yes, I'm very proud to announce that on Saturday from 10 to 2 with the Ruritan in Stony Point, the Stony Point Volunteer Fire Department will be celebrating their 50th year of service to our county.

[00:06:33] I will be presenting a proclamation to Stony Point Volunteer Fire Department. So very, very proud of that, what they've accomplished and the service that they've given, not only to the Stony Point area, but also the entire county.

[00:06:50] They recently received a long-awaited brush truck, and they also have, they purchased a truck that they can pull their gator with, which can actually go everywhere in the county to help put out fires.

[00:07:05] So that'll be a celebration. It's from 10 to 2 on Saturday. And I did attend the PVCC graduation with Supervisor Malik. And once again, I was extremely impressed with all the graduates and what they've had to overcome in order to get the GED, in order to get their AA degree.

[00:07:26] It was very inspiring, I have to say. And that's all I have. Thank you. Thank you. Supervisor Callaway? The only thing I would like to call out is obviously it's UVA graduation weekend this weekend. But we also have two of our local high schools having proms this weekend, which means there going to be a lot of people out and about, and they should be out and about safely and enjoying a good time. So I'm just going to encourage everyone to just be patient, drive slowly, because we tend to try to get places quickly in this county, and just that there's going to be a lot of extra folks around, including our high schoolers out having a nice time this weekend.

[00:08:05] So just calling that out. Thank you. Supervisor Pruitt. Thank you. I appreciate that. As one of those graduates who does have some family who is going to be my mom's not always the most confident on the road so be patient with my parents who are part of this additional multiplied population that are going to be adding to our community through the weekend and of course congratulations to all our school's graduates who are going to be having rolling graduations over the next month that I'm looking forward to being able to attend here in the very near future. I would like to remind everyone, you know, I neglected to mention this, something I mention every time I'm up here.

[00:08:45] I neglected to mention during our last board meeting. Early voting has started, y'all. So this is for the congressional primary for the 5th district. There are two simultaneous primaries happening, the Republican and the Democrat primary. For the Republican Party, we have Bob Good and John McGuire. For the Democrat primary, we have Paul Reilly, Gary Terry, and Gloria Witt.

[00:09:07] Sometimes people say, I would like to wait until election day because it feels more like I'm part of it. I would say that's very sweet and also a bad idea. We have fought very hard in the state of Virginia in order to be able to have such robust early voting.

[00:09:24] It is much easier. There is no line. It is always at the same place, so you don't have any concern that you might show up to the wrong place and get told to go to another place, which happens every year

as someone who has seen it happen to many people. So at the 5th Street County offices, where the sheriff's offices are, if you've ever had to go see them, sorry, the police offices are, if you've ever had to go see them, we are doing early voting during working hours every day of the week through May 28th is the deadline to register, and you can vote in person through June the 8th.

[00:10:02] You still get a sticker, and you can even still get the sticker on the backing so that you can put it on on Election Day. if that's when you want to wear it, and it is going to be better than any intentions you have to vote. It will be an actual vote in the ballot box, so please go vote. It's especially important in jurisdictions where sometimes the primary is dispositive of the election, so keep that in mind.

[00:10:27] I would also like to remind people the weather is much nicer. People have a lot of guests in town. They want to do something fun and local. Everyone loves our farmers markets. Everyone is familiar with the Ix farmers markets and the city farmers markets up in the city but I would like to remind everyone that Scottsville at the same time every Saturday hosts a lovely farmers market down at the pavilion that is right by the James River just past the tavern on the James. So please try and make it down to the Scottsville farmers market. It is an absolute delight and you will often get better prices than you do at Ix or at the city farmers market. Additionally while I am also

[00:11:05] deeply grateful for the rain even as I'm nervous about what it might mean for my own graduation ceremony. I'm grateful for the rain because boy howdy it has been a hard season for fire and that is not going to disappear just because we've had a nice week of rain. So I would remind people as we get into grilling season to continue to exercise good care and good judgment as we as you were outside using fire. We've had a series of really tragic events recently in the Scottsville District that has really wracked me, and I would hate to add an additional such

[00:11:42] incident. And finally, one more thing as we go and continue into the nicer weather years. This is also a time of year, and especially as we get further into autumn, that we get a lot of complaints about dogs on the run. This is particularly in the later part of the spring into summer, something that happens a lot in the rural part of Scottsville. So please remember to curb your dog, even if you think your dog is sweet. That doesn't mean that the dog it runs up to is going to be sweet. This is a thing I run into a lot as a person who has a very big, very reactive dog, and you have small dogs on the loose. Just because they're small doesn't mean they can be on the

[00:12:21] loose because that just means they're more likely to get gobbled up. They can cause traffic safety issues if they run into the road. This is something that also happens, significantly backs up traffic on some of our critical rural roads. So please remember to curb your dog as we get in the season where you really want to let them run around. Please don't. That's all I have. Thanks. Thank you.

[00:12:41] All I have is some of the usual announcements that I make, and that is the IVMUC is continuing to do special collection days for hazardous waste and this Saturday is tires. The MUC, that's the Ivy Materials Utilization Center, will be closed June 8th through 10th for scale replacement. So if you're planning on going during those days, it's not going to be open. This is a little late for this announcement, but I had the pleasure of dropping off my well sample this morning with the Virginia Cooperative Extension at the Fifth Street offices. It's a low-cost annual well testing program. And I'm told that due to high demand, this will not be the only time this year they're

[00:13:19] going to open it up again for a September window for testing if you didn't get your well-tested in addition to the annual well-testing each May. It's a very low cost and a really good thing to have done. So

anyone have anything else to add? We just add one thing piling on to the farmer's market thing. A few years ago, Admiral County was second to Fairfax in the number of farmer's markets there were. And while I do know that on Tuesdays, Nathan Yoder is at the back door of Foxfield and Thursdays, I know there's the early spill, but I know there's one at Forest Lakes and several other places. So we need to put, make a list of all those so that we can make a more

[00:13:55] comprehensive announcement in the future. Thank you. Thank you. Yes. I'm just going to tag on to what Supervisor Pruitt said regarding early voting. Just remember if on vote, if you want to wait till voting day. If you get sick, God forbid something happens, there's an accident or something, then you lose. So please, early voting is very important. So because your vote counts. Thank you.

[00:14:22] Thank you. Board, this brings us to item six, which is proclamations and recognitions. We have actually three proclamations and a resolution of appreciation today. And the first one up, I will read the proclamation in the form of a motion to adopt a proclamation recognizing this as Asian American and Pacific Islander Heritage Month. Whereas May 2024 marks the 47th anniversary of the first submitted resolution to recognize the contributions and achievements of Asian Americans and Pacific Islanders. And whereas May 2024 marks the 32nd anniversary of

[00:14:57] the federal recognition of Asian American and Pacific Islander Heritage Month. And whereas present-day inequities faced by Asian American and Pacific Islander communities are rooted in our nation's history of exclusion, discrimination, racism, and xenophobia, and whereas Asian Americans and Pacific Islanders are a vital part of the community's history, making important contributions to the cultural, civic, and economic life of the county. Now, therefore, be it proclaimed that we, the Albemarle County Board of Supervisors, do hereby recognize and celebrate May 2024 as Asian American and Pacific Islander Heritage Month and encourage our community to observe this month by learning more about our collective history to create a more inclusive and equitable future

[00:15:37] for us all. Signed this 15th day of May 2024. Motion? Second. I've made a motion and seconded by Supervisor Malik. Without objection, if the clerk will call the roll. Ms. McKeel? Yes. Mr.

[00:15:53] Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Thank you. We don't have anyone coming up to accept this one today, so unless there are any particular comments, and we'll move on to the second of our proclamations, which I believe is turned to Supervisor McKeel to make the motion. Okay, and again, I'm reading this as a motion.

[00:16:19] Proclamation celebrating Jewish American Heritage Month. Jewish American Heritage Month is a time for commemorating the history, contributions, and cultures of the diverse population of Jewish Americans, and whereas the Jewish community has played an important role in shaping, advancing, and enriching the fabric of Elmar County ever since the first Jewish families settled in Elmar County in 1757. And whereas Jewish Americans, due to their own long history of persecution,

[00:16:53] have often found common cause with movements working to expand civil rights, liberty, and human dignity for all. And whereas the Jewish American experience has always been held together by the forces of hope, resilience, and striving for a better tomorrow.

[00:17:10] Now, therefore, be it proclaimed that we, the Elmar County Board of Supervisors, do hereby recognize and celebrate Jewish American Heritage Month and renew our dedication to the work of

building a fully inclusive tomorrow, one where greater diversity of origins is not only accepted, but also celebrated here at home and around the world.

[00:17:32] Signed this 15th day of May, 2024, Jim Andrews, Chair. Second. We have a motion from Supervisor McKeel, a second from Supervisor Malek. Without objection, the clerk will call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews?

[00:17:48] Yes. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Great. And I understand this resolution is here to be accepted by Dr. Russ Linden, author, federal executive institute adjunct professor and task force chair for welcoming greater charlottesville um welcome dr linden good to have you here please adjust the microphone so that we can hear you clearly thank you very much thank you i want to thank you for the award i also want to thank jesse brookins and his staff with the equity and inclusion unit of the county i think

[00:18:27] they've done a great job to make the county more inclusive and equitable for everyone when i was growing up and went to Sunday school, the teachers taught us core Jewish values. Values like helping the poor, that you have to pursue justice, that you have to welcome the stranger, as you just referred to Ms. McKeel. My brother and I learned the same values at home because our wonderful parents acted on those values every day. And the last of those values, welcoming the stranger, has always been my favorite. So it was easy for me to take on the leadership of welcoming Greater Charlottesville since our mission is all about welcoming the stranger. Stranger, that is, in terms of people

[00:19:04] from other countries. And this work has taught me that welcoming the stranger isn't just a Jewish value. It's a value shared by all three of the world's great religions. Now it might seem odd that I'm talking about welcoming the stranger and what a wonderful value it is, given the terrible events of October 7th and the ongoing horrific violence ever since.

[00:19:25] Tragically, the value of welcoming the stranger has been violated repeatedly in the Middle East for well over a century. The conflict is long and complicated, and this isn't the time to get into it in depth. But I do want to say that anyone with a heart is grieving over the massive violence there. All that said, as my wife who is here knows, she married an optimist. So without denying the violence, I'm also interested in the many efforts in Israel and in our own community among people of different faiths to try to live together with mutual respect. It may amaze some people, but in Israel there are continued to be groups of Muslims and Jews

[00:20:02] trying to work for peace. And the same is true here in the county. In fact, just this past Sunday, three organizations, a Muslim, Jewish, and a Christian organization, sponsored a movie called Sevap Mitzvah. Sevap and Mitzvah are words that mean good deed in Arabic and Hebrew. The film depicts, I'm sorry, the true story of a Muslim family that saved a Jewish family from certain death during the Holocaust. Fast forward 50 years. This is an amazing story. A woman from the same Muslim family was trapped in Sarajevo at the height of the Bosnian genocide. Her life was at

[00:20:40] risk, and when the word got out, a member of a Jewish family, the same Jewish family that had been saved by her family, saved this woman 50 years later. So at this time in our country and around the world where there's so much anguish and so much hatred, I think it's really important, especially important, to know that there are countless examples of people who are building bridges and understanding of mutual respect. And that's one of the reasons why I'm so pleased that you folks do this so

many times during the year. So I thank you for my award, but more importantly, I thank you for recognizing people from different backgrounds who are working together

[00:21:18] to build a community. Thank you so much. Thank you. And if you'll remain for a moment, I think people will want to comment. Supervisor McKeel. It's lovely to see you again. And thank you for your words of optimism. They're really welcomed. And thank you also for your work in this community because you really have been a bridge builder. Thank you, Dan. We really appreciate that.

[00:21:42] Just a couple of facts, and I know facts can sometimes be dry, but I think it's interesting to note that Jewish people are merely 0.2% of the world's population. Sounds right. That's two out 1,000, two-tenths of 1%. In Virginia, we have an estimated 150,000 Jewish residents, and that population is among the largest in the nation. In the Virginia General Assembly, Jews have won

[00:22:21] elected posts in Virginia as Democrats and Republicans. A Jewish woman became Speaker of the House of Delegates, and Jews are among the leaders of the Democratic majorities in both the House and the Virginia Senate. And locally, we have to remember that a Jewish family, the Levy's, saved Thomas Jefferson's Monticello from bankruptcy and restored it for posterity.

[00:22:47] I urge everyone to read about their story, the Levy's of Monticello. And thank you so much for being here. I appreciate that. Supervisor Malek? Thank you. One of the big blessings of teaching fourth graders was knowing children who I'd known for five years who were doing either bat mitzvah or bar mitzvah and being able to attend their ceremonies. And I was so impressed by the whole encouragement of debate and mastery of an idea. And it's not because I told you so, but think about it and say what, then relate what you have come to understand. For a nine-year-old to manage

[00:23:26] that and do it so spectacularly was such a great example of how the strength gets built. And I really admire that very, very much. For the last 40 years, I have known long-time White Hall residents at the synagogue and also my long-time Palestinian neighbors who have worked together in a lunch club with others monthly for all these years to try to build the peace that you're talking about. And I saw Sarah at the grocery store on about the 15th of October, and she was

[00:24:02] going to pieces about what was happening because of the, just the danger of it getting so much worse. So I appreciate your optimism because that's all we have to hang on to right now. Thank you. You may know the phrase, Ms. Malik, two Jews, three opinions. We're very good at that.

[00:24:25] That's hysterical. Thank you. Supervisor Lucie Stoker. Thank you for that. I think that's one thing I really appreciate is the sense of humor. so that's wonderful everything that you said really resonates and i don't think i could add to that only that we do appreciate you and your organization and everything you do for not only the jewish people but everybody that that means a lot to our community you are integral part of

[00:24:58] our community you add a lot and that's something important here for abomar as we all as we all get along. So I just, congratulations and thank you for the sense of humor. Thank you. Thank you, Professor Galloway. Dr. Linden, thank you for being with us today and for your words.

[00:25:18] I've said before, when these proclamations come before us, it's always interesting what it triggers in me to go reflect on, you know, what's being mentioned in the proclamation. And for this particular proclamation, it was my friend Craig, who I went to school with, and I'm from Wheeling, West Virginia. I could count on one hand anybody of difference in a very predominant white Christian

community. There was not much diversity. So you knew who the individuals were, but I didn't understand what that meant. So your comments on welcoming the stranger and the fact that that just brought it home for me of thinking back to my friendship with Craig and

[00:25:55] what I learned from him about what it was to be a Jew. He still lives in West Virginia. He's a He's a prominent person in technology. It's been fun because he's become quite the personal chef, and he's a foodie, that's his hobby, so he shares a lot relative to that, so it's been fun watching that.

[00:26:13] But he came to mind, and like I said, when you mentioned welcome the stranger, he had an impact on me in beginning my understanding and learning what it means to be Jewish. So thank you for bringing that home. In the spirit of welcoming the stranger and making the stranger familiar,

[00:26:30] Back to the Asian American Pacific Islander proclamation, a lot of times I would love to read, you know, art or look at art or read poetry or works of fiction or what have you, but the poetryfoundation.org has a wonderful collection right now of poems that's celebrating the Asian Pacific Islander month, and it's a wonderful way to get into the humanity of that, in a lot of ways, stranger that is still there for me relative to Pacific Islanders.

[00:27:01] So in the spirit of your remarks, I just want to share that as well to say, yeah, go see if you can make the stranger less or more familiar to you, and that's one way to do it. So thank you again for being here today. It's a great idea. Supervisor Proof. Dr. Linden, thank you so much for being here.

[00:27:17] Thank you for your message of hope and community that you brought with your remarks. I just want to speak very briefly regarding the proclamation. You know, Jewish communities in America have been really at the heart of, like, so many critical social movements throughout our history in a way that I worry is increasingly getting overlooked and glossed over in our current social moment.

[00:27:43] You know, Jewish Americans and Jewish values helped drive so many movements for justice. We're talking social justice, racial justice, economic justice in our country. They were at the forefront of labor. Jewish communities were at the forefront of the civil rights movement and saw the first people to really link arms with the African American community during that important moment in our history.

[00:28:11] And I want to highlight that because I'm going to be a slight downer. I apologize. It is almost becoming a political talking point that implies some kind of partisanship right now to observe, to simply observe that we are experiencing greater prevalence, greater vocalness of anti-Semitism in America right now.

[00:28:34] And I think it's important that we recognize that and we also think about it in ourselves. It's always easy to look at the other and say, ah, there are people who are vocally, who are painting slurs on buildings, on synagogues. But to recognize the kind of way that we construct social movements, the way that we think of our politics and whether or not that has been touched by this.

[00:28:58] There's a comedian, Dave Deal, who has a book, a British comedian, so a little far afield, who has a book called Jews Don't Count. And the central thesis of this is that when, especially on the left, when people think about solidarity, there's a tendency sometimes to not embrace the Jewish community with the same expectations and the same instinct of solidarity and linking of arms with which the Jewish community has so readily given up their own energies throughout our history.

[00:29:33] I think it's important that we think about that and we interrogate that. We talk a lot about implicit bias in these last few years of modernity, and I don't know that we have become as comfortable thinking about the nature of implicit bias and how we think about the Jewish community and how that gets wrapped into our conception of politics and of social movements in ways that can be very destructive and harmful if we don't interrogate that.

[00:30:00] Sorry, that was a bit of a tangent, but I think it's important. And thank you so much for being here. Thank you. I could just make one quick response. Thank you for all. Your passion and desire for what we're talking about is obvious. And just one quick thought. The most frequently stated injunction in the Hebrew Bible is, welcome the stranger. 36 times God tells the people, welcome the stranger.

[00:30:24] And I sometimes think it would be also good if God had said, or if we say to each other, get to know the stranger. It's hard to hate someone once you get to know them. So thank you all. thank you very much i really appreciate your comments and the optimism that you brought to this and uh and you're being here for this so thank you jim let me just add something just in the spirit of humor i just want to tell a personal story i grew up in stanton of course very small jewish population in stanton and i was dating when i was in college a local jewish boy and the first

[00:31:00] time that I went to the Stanton Temple with him, we walked in the door and someone shouted, Gentile in our midst. And with that, everybody applauded. I felt very welcomed. Just wanted to share that. It was great. Thank you. Can you have the proclamation? I'm sitting here with it in front of me.

[00:31:27] Let me present it to you. And I will ask that, you know, we'll be moving on to the next one, but that everyone stay for all the proclamations and recognitions. Today we have a couple more, and then we'll move on to other business. Thank you. And we will now turn to our third, which is

[00:32:04] going to be led off by Supervisor Lapisto Kirtley to make a motion to adopt a proclamation recognizing May 12th through 18th as National Police Week. I will be reading this as a motion, and this is truly my honor to be able to read this.

[00:32:25] Whereas in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, quote, to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime, end quote.

[00:32:55] And whereas the safety and well-being of Albemarle County citizens being of the utmost important to the propensity and livelihood of Virginia's families and communities and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle prosperity, I'm sorry, Albemarle County communities, our neighborhoods, schools, and families, And whereas police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land.

[00:33:33] And whereas Abelmoral County values the courage and devotion of our police officers as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security.

[00:33:50] And whereas Police Week and Police Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

[00:34:10] Now, therefore, be it proclaimed that we, the Albemarle County Board of Supervisors, do hereby recognize May 12th through 18th, 2024, as Police Week and May 15th, 2024, as Police Officers Memorial Day in Albemarle County and call these observances to the attention of all our citizens.

[00:34:36] Signed this 15th day of May, 2024, Jim H. Andrews, Chair. Second. We have a motion from Supervisor Lupisto-Kirtley, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Mallick? Yes. Thank you.

[00:35:02] I believe Colonel Reeves is here to accept the proclamation along with Mr. Jamerson. Thank you.

[00:35:18] Welcome. Chair Andrews, Supervisor of the Peace of Kirtley. We're having trouble hearing you, Sean. There we go. There we go. Chair Andrews, Supervisor of the Peace of Kirtley, thank you very much. Colonel Sean Reeves, Chief of Police of the Almar County Police Department. Today, I'm joined by Lieutenant Colonel Terry Walls, who is the Deputy Chief of Police, as well as Major Randy Jamerson, the Assistant Chief of Police. But most importantly, I'm joined by the men and women in the back. If y'all can stand up very briefly. These men and women who are off

[00:35:46] camera, they're why we're truly here today. And it is my absolute privilege to be their Chief of Police as well as the Chief of Police for this community. And it is a great honor that we stand before you during National Police Week and Peace Officers Memorial Day. This week we pay tribute to

[00:36:20] the valor and sacrifices of our officers and to the officers across the country who face daily dangers to ensure our safety. This is also a time when law enforcement officers, their families, and loved ones solemnly remember those lives that were tragically cut short in the line of duty.

[00:36:40] We remember the 136 officers killed in the line of duty across the nation last year, and the 58 officers and six police canines who have made the ultimate sacrifice this year. Their lives are not defined by how they died, but how they lived and served with selfless courage.

[00:37:00] On behalf of the men and women of the Almar County Police Department, I accept this proclamation with a promise that we will continue our mission of safeguarding our resilient community. Thank you. Thank you. And we will go through our order to comment. Thank you. Appreciations.

[00:37:17] Supervisor McHugh. Thank you very much for being here. And thanks to everybody in the back for being here as well and to our officer over here. It goes beyond words as to how much this community appreciates your work.

[00:37:33] We've had certainly some challenging times, and you all have really stepped up to the plate. And I just want to say again, and I know the proclamation says it, but we also really appreciate your families. Because without their support, we wouldn't have you all helping us.

[00:37:52] thanks to you again and to all the team and everybody on the force and we really appreciate the good work thank you supervisor malik thank you and thank you all in the room excuse me i am so proud of the high performance expectations to which you hold yourselves the earnestness with which you undergo training and to get the highest skill level your empathetic approach to citizens you greet and assist residents in the moment when they are the most fearful the most upset the most angry. Or having to deal with people in speeding cars or barking dogs. It's a whole range

[00:38:31] of challenges which you face every day. But whether your concern is large or small, you're all in all the time. And I'm so grateful. And it really makes a difference for all of us. So thank you. Thank you. Supervisor Lupisto-Kirtley. You know that this is something very personal.

[00:38:48] And I hope I can get it out. But the appreciation we have for you, not only for the, In Amarillo County, not only for our police department, but also fire rescue, I've never seen such a well-run organization, such a professional organization dedicated to listening and serving the residents of our community.

[00:39:11] That means everything to us. That is the basis of a good police department where you are there for us and we know that. And knowing that you also put your lives in danger every day, even over a simple traffic stop, something can happen.

[00:39:29] And your families who support you, this is something that is truly a calling and a passion that you do that keeps our community safe. And we so appreciate it. And I always have your six.

[00:39:47] Thank you. Supervisor Galloway. It was a nice memory after the photo shoot that we did outside in the lobby. Just a few weeks ago, I came back into possession. When my grandfather, who I didn't know, came back from the war, he became a police officer.

[00:40:04] He was a patrolman in Wheeling, West Virginia. And just a few weeks ago, my sister, because she moved to Florida, so of course she doesn't have the same space. Well, not of course, but she doesn't. But she had in her possession a picture of the entire, at the time, police department along with the city manager.

[00:40:21] There were no electeds in that photo. That's interesting. I might look into that. That's probably a good thing. Right? Out in front of City Hall and all there. And my grandmother had taken the, you know, typed in who each officer was.

[00:40:39] And I was just, this was October of 1966 that this photo was taken. So it was kind of cool to sit there and look at all those faces of the people in that photo who were serving on the police force then. And that leads me to my remarks here. A few weeks ago, I made comments about my appreciation for this police department, and I don't need to be redundant about those today.

[00:41:01] But it's easy to say police or police department, but it is made up of individuals, moms, dads, uncles, neighbors, friends, best friends. And it's the quality of individual and of those people that makes our department what it is.

[00:41:18] And our department is something special, based on remarks that I have said previously about how you approach this community and the mindset in which you serve. So I'm immensely proud to be on this board to have the opportunity to work with y'all because I know what type of people we have who are forming your police force. So I appreciate those who came out today to spend some time with us today and sincerely appreciate everything you all do. Thank you. Thank you, sir. Thank you.

[00:41:50] Supervisor Pruitt. Thank you so much for being here. Thank you so much for being such an amazing force. I think maybe because I'm young and seem more approachable. I sometimes get young people reaching out at the beginning of their career, either just finishing undergrad, just finishing high school, being like, hey, I'm really excited about government, and I'd love to learn how I can get involved in government as a career. And I think I kind of surprise people, because I mean, I've got a reputation for

being a bit of a provocative lefty, when I say, well, have you thought about applying to become a police officer. It is one of the most rewarding careers you can

[00:42:27] have in government. And if you don't know, like, the specific path you want to take, you get to do a little bit of everything. It is truly a deeply rewarding career that touches every apparatus of government. And I feel this kind of, people are often shocked, right? And I feel this speaks to kind of a misunderstanding from members of the public at times, especially from young people, about what police actually do. There's the idea that, oh, police arrest bad guys.

[00:42:54] And my understanding is that's not a very large part of the job most days. You also make our roads safe through enforcement. You respond to people who are in varying types of mental health crisis, whether or not that's a very serious issue out in our community or whether or not this is just someone who can't find their mom because they've wandered off, because they're getting to the age where they wander off.

[00:43:19] You respond, I've recently had to work with you, on animal issues. And that can be dogs on the run, like we've been talking about, or that can also be like, I think last year you removed, one of your officers removed a ball from a bear's head that was wandering around with a beach ball on its head, which was a serious danger to the community. This is down in Scottsville District. It happened. And to the bear. Danger to the bear. You register and then respond to home alarm systems. You help enforce a number of our other ordinances, things like our noise ordinances. You're the folks who are coming to it.

[00:43:55] You help build relationships in our community because the police are, for so many people, the first point of contact, right? This is an organization of 1,000 people, the county, and a lot of people engage with county services, but there's not always a person there, right?

[00:44:12] Like, I go to Walnut Creek, my favorite personal park, to walk around with the dog. There's not a person there greeting me from the parks department because there doesn't need to be. What most people meet, the person that most people meet when they're interacting with county services is a police officer. And I am so grateful that we have such a real crack force that they're meeting someone who is ship shape and you are out there representing our community in the best possible way. So thank you so much for all the work you do. I'm going to keep trying to send people to you. Thank you, sir. We appreciate that. Thank you. I was looking at this before you have

[00:44:46] your annual report and I just wanted to note from it that it indicates that there were 77,672 calls for service last year which averages to nearly 1500 a week you're busy 9406 traffic stops and 637 priority one calls for service in the urban areas with an average response time and i'm going to illustrate this by since the time when you were speaking to now they would have been there so three minutes and 36 seconds or thereabouts which i think i'm maybe even a little

[00:45:25] longer than that just there. And then 195 in the rural areas, a little longer, but still quite admirable responses. So the service that you do is amazing. And again, I very much appreciate what you do and your families. So thank you again for being here. Sorry to add on again, but when I was little, George Bailey was the sheriff. He and a deputy were it. This was 1950, was when I was born. He would sit in the area of Ferris Road because that was sort of center, not knowing where the need was going to be. That was their dispatch back in the old days. So I just am so grateful to

[00:46:04] have so much better organization now. I'm especially grateful for the return to the geopolicing and the sector so that we get to know who our representative officers are and they get to know us a little better and it really helps with that provision of personal service. So thank you very much. Thank you. Jim, I would just add the 2023 annual report is out and I know that Sean and his team would just love to have people ask for a copy.

[00:46:31] Yeah, and read it. It's interesting. It is really interesting. So if you just let us know, we'll be glad to get you a copy. Thank you. Supervisor LePistro-Curtley will bring the resolution around. Again, thank you very much for being here. I didn't mean to pick on my fellow supervisors for how long we talked, but just to illustrate how quickly you would have responded.

[00:46:51] Had that call come in then, you would have been here. That's impressive. Thank you, sir. Thank you. We just did that outside. Thank you. Thank you.

[00:47:30] Thank you again.

[00:47:46] And, Board, I'm now going to turn to Supervisor Malik, with the distinct pleasure of a resolution appreciating the long-term public service of Mr. Gary O'Connell, Executive Director of the Albemarle County Service Authority. Thank you very much. So I would like to read as a, well, as a motion, I guess.

[00:48:04] Yes, same as your forward. Resolution of appreciation for Gary B. O'Connell. Whereas Gary O'Connell has served Albemarle County with distinction as the Executive Director of the Albemarle County Service Authority for 14 years, and whereas Gary's many professional accomplishments during his tenure as Executive Director are exemplified by his active leadership in water conservation initiatives, including the toilet rebate program, the rain barrel rebate program, free water conservation kits, and the upgrade to the metering infrastructure.

[00:48:36] And whereas in countless ways, Gary has provided exemplary service to Albemarle County through the application of his extensive knowledge and ability, as well as through his collaborative personal style, his commitment to constructive two-way communication, and his authentic problem-solving approach to improving the quality of life for the people of this county.

[00:48:55] And whereas Gary's commitment to providing responsive and high-quality customer service has built a trusting relationship with the service authority, the Ravana authorities, community partners, and area residents, and has resulted in a water system that is safe and reliable, Now, therefore, be it resolved that we, the Admiral County Board of Supervisors, to hereby commend Gary O'Connell for his significant contributions to the Admiral County Service Authority and extend its heartfelt thank you for his years of service to the residents of Admiral County.

[00:49:26] Be it further resolved that a copy of this resolution be spread upon the minutes of this meeting of the Admiral County Board of Supervisors as a lasting testament to the esteem in which Gary O'Connell is held by this board. Signed this day, 15th of May, 2024.

[00:49:42] Second. We have a motion from Supervisor Malik, a second from Supervisor McKeel, without objection, if the clerk will call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPiesto-Kirtley? Aye. Ms. Malik?

[00:49:57] Yes. Thank you. And if Mr. O'Connell will come up. There you are. Welcome. Really appreciate you being here and all you've done for us. Thank you very much. Make sure this feels a bit overwhelming.

[00:50:15] I'm glad I have the police at my back. I'll start with thanks very much to each one of you. But I really want to go a little bit deeper. If you can give me a minute or two, I do need to thank this board for your support, for Jeff and his staff and their support.

[00:50:37] It's been an excellent staff to work with, and we've greatly enjoyed that. And I want to thank you for giving us, I think, the best board of directors that we could have. They've been excellent, and they really care for this community. For me, it's personally been a great water journey.

[00:50:55] I fully enjoyed it. I had no idea that I would be in this particular job for 14 years, but it's been exciting to watch the community rally around water issues. Some of you have been pretty involved in those through the years. I think at the Service Authority, we've tried to make a really positive difference for the community.

[00:51:15] I think we've done that, and I think the staff that's there is going to continue to do that. You said in the resolution, but I'll say it again, safe, clean, reliable, allow more water. And we've been talking a lot about providing a great customer experience. And I think that's the message that we want to get across to the community.

[00:51:34] And we've worked hard on that. We're ready for the next 50, 75, probably 100 years in reality for future drinking water needs for the community. There's been a lot of hard work. Several of you have been involved from probably the very beginnings, but that's pretty significant.

[00:51:50] There are very few communities in the country that can stand here and honestly say that. And you should be proud of that. I can't, I started not telling stories, but I got to tell one because this got brought up at the Roana board meeting the other day.

[00:52:09] The largest public hearing I've ever attended in my 50-year career was in this room when we were talking about advanced water treatment. And at that time, cost was a big issue, but it became clear this community wanted safe drinking water.

[00:52:25] And the decision was made for advanced water treatment called granular activated carbon. If you read any of the news stories, you'll see any of the new contaminants, GAC is the treatment of choice. This community made that decision a long time ago, and we can very much tell the community we have very safe drinking water now and in the future with that decision.

[00:52:47] There have been a bunch of other decisions about water supply that this board's been very involved in. But we have the long-term plan in place that's being funded and projects are moving forward that will put us in a great position. So I thank you very much for the recognition.

[00:53:06] I thank you for your support over the years. It's been a fun journey, but I'm ready for another one. So thank you very much. Thank you. Supervisor McHugh. And I think that journey indicates some travel on your part, and I hope you have a good time. Starting next Tuesday, actually.

[00:53:23] Next Tuesday. All right. It has been an absolute delight to work with you, Gary. I think as the representative of the Jack Shewitt District, I have the honor of having one of the most difficult projects based on the contractor that you had to work with.

[00:53:41] And you and I spent a lot of time on the phone together, and I just really, you worked with the community, with their frustrations over that contractor. I mean, it was just wonderful the way you responded and your team responded, and you have a great team backing you up.

[00:53:57] But I just appreciated it so much. And I will say that we had a lot of fun on the hydrant art project that we did together. Art on fire. Some of you, if you drive around the Jagdewitt District, and a couple others. I think there's a hydrant painted outside of your office up on pan tops.

[00:54:15] But we painted fire hydrants. And it was a great project. And it was lots of fun. And again, I appreciate your willingness to do an art project with me. You just, and it seemed like you were having fun too. So it's all good. and other I just want to wish you the best in everything you do you have been a jewel and a gift of this community for many years in your many roles in this community so thank you very much. Supervisor Malik. Thank you I think the the resolution called in a general way to so many of

[00:54:50] your strengths with providing a quick and accurate update on a particular project that someone has a question about those wonderful return phone calls are so prompt and helpful but for the very long term and something which began immediately upon your arrival there at ACSA was the modernization of the approach to planning ahead because for the previous 30 years it had been keep it cheap so the houses don't have a big tie on expense the new developers don't have a lot of expense to do and there was no money for capital projects and so now because of the management that you have put in

[00:55:29] and meeting the cost expectations for the future improvements and the rehabs of the 50-year-old pipes now, it's a much more orderly process. I'm sure there are things you wish you could do that you don't do right away, but the fact that you can do them within a year or two is a spectacular achievement.

[00:55:46] So I'm very grateful for that. I'm grateful for the famous meeting. I mean, Dave Tungate reeled off the date of the meeting the other day because it made a big impression on him too as well. 300 people in this room and 100 of them spoke the hearing went on for like four and a half hours but it was one of my fondest memories you're absolutely right so i will carry that forever and you certainly were at the table for the first many years of the water supply plan in your former job as well to try to get everybody to the table it only took 20 years to get that sign so at least we're set for the next 50 which is really important but thank you very much and

[00:56:23] happy fishing. Thank you. Supervisor Lupito-Kirchen. Yes, thank you very much, Mr. O'Connell. I was really impressed by your commitment, your collaborative style, and your problem-solving, something important. I mean, problem-solving approach to improving the quality of life.

[00:56:41] I visited a number of the reservoirs, and because of you, we're going to have, we'll have clean water you've been a done an excellent job as executive director for 14 years and the fact that uh clean water means so much to this community integral part of our community to have clean water now and in the future and i i commend you for doing all that because you're keeping our water supply um going innovation uh the things that are happening that we can keep with new

[00:57:19] pipes and everything and going from one reservoir to the next and new plants, it's amazing. Learning about that was just amazing for me. So I thank you very much for your dedication and all the work you've done.

[00:57:35] Thank you, sir. Thank you. Supervisor Calloway. Thank you, Gary, for being with us today and for your years of service. I can tell you that in talking with, you had my appointees, Kim Swanson, who is, I

think she'd be okay with me saying likes to ask a question or two. And Nathan Moore, who then came on, who's now on the Planning Commission, and now Kim's back on that board. But Nathan, I know when he was making the transition, was saying that, you know, it's, you know, Gary's time's coming to an end, and that's a real loss for us. And I think when you have a comment of somebody that joins a

[00:58:10] board and they take it seriously and really work to understand what's going on, that's the ultimate compliment right there that you're they were suggesting to me that you may be irreplaceable now somebody's going to come in but boy are they going to have a high task to try to achieve what you have achieved over the last 14 years in your position um i've you've always struck me as even keeled and steady-handed and that's probably why we are where we are um due to the water quality and the fact that you mentioned that our community is in a position to be able to say something that not a lot of communities can and um you know a lot of that goes to the leader

[00:58:45] to be able to make that happen so thank you very much for that and I know you've earned it so enjoy your time and what you choose to do there I heard fishing so please do enjoy that and maybe you'll come back to a future public hearing just to spend a little time with us we could do a few more half hour hydrants supervisor prove thank you during my brief time on the board we have not yet had the opportunity to work together but your reputation precedes you in in the best possible way sometimes that's a mixed blessing right when your reputation precedes you i've heard uh nothing but good things

[00:59:20] about the the leadership that you've shown over the past uh decade and change um i realize that you've worked through uh what have been some some really important changes and it is not normal i think that uh that water quality be at the heart of some of the most important policy decisions for a community but that has been the case here in albemarle and i i really appreciate and i'm grateful for your steady hand there. Thank you so much and enjoy the next adventure. Thank you.

[00:59:49] And I just want to pile on with the gratitude that everybody else has expressed so well. My predecessor, Liz Palmer, I know also thinks very highly and has worked for you for many, many years still now. And I'm sure, you know, everybody heard me earlier talk about the fact that I had my well tested recently. And I can tell you that with all the list of things that that could go wrong, you should be very grateful if you have ACSA water because you've got a good product and very reliable. So I appreciate that and I appreciate all you do. I appreciate, you know, we haven't had a lot of time to work together, but you oriented me right from the

[01:00:25] very beginning and I appreciated that as well. So thank you. Thank you. Mr. Chair, Jeff, before before Ms. Malik provides the proclamation to Mr. O'Connell, I wanted to make one observation for the minutes, the record, Ms. Wall, Mr. Henry, Mr. Rosenberg, myself, we all belong to ICMA, International City County Management Association, as does Mr. O'Connell. And each year at our annual conference, we'll usually have about 5,000 managers present for this meeting from all over

[01:00:58] the world that are members of ICMA, and they work in cities and counties that are in the manager council form a government. While this proclamation focuses on Mr. O'Connell's most recent 14 years service to the Albemarle County Service Authority, Mr. O'Connell served the city of Charlottesville as the city manager for a full service career. He came to Virginia several years ago from Tennessee, where he broke into the ranks of local government. And every year at our national conference, we will recognize years of service. And there will always be maybe one or two

[01:01:37] across the United States and world that are at 50 years. And that's where Mr. O'Connell is, is that he served in local government his entire adult life. And it's an honor to have been in this county with him for the past six and a half years. He was one of the first people in this community that welcomed me here when I came to Albemarle County. And I've had the pleasure of sitting beside him at the Rivanna Water and Sewer Authority, where he has served on that board for 29 years. And I have sat beside him for my entire six and a half years. And what I noticed was his attention to detail. He always took copious notes. Gary always followed up. His customer service is

[01:02:16] second to none. And my staff, Mr. Stewart and I, we meet with him on a monthly basis. And we never go away without whatever the commitment is that Gary's going to do to follow up and Mr. O'Connell always follows up. So on behalf of Almar County government from the staff, I do want to thank him for his service and for the partnership from the service authority back to our staff. And you will be missed. But when we see you, we will see a friend and a community leader and please come back and see us. Thank you, sir. Thank you. Thank you. And happy fishing. That's part of the plan.

[01:02:57] That's great. Board, we will now turn to item seven, which is from the public matters on the agenda, but not listed for public hearing or matters previously considered by the board or matters that are pending before the board. We do have signups in person today and the vice chair McKeel will read the rules for the speakers. And just to let everyone know, we have no one online,

[01:03:30] so everyone is in person. And during the time set aside for matters on the agenda, but not listed for public hearing. Individuals may address the Board of Supervisors concerning matters previously considered by the Board or matters that are pending before the Board other than items listed on the agenda for public hearing. Individuals are allowed one opportunity of up to three minutes to speak at each Board meeting during matters from the public. A sign-up sheet is managed by the Clerk's Office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light

[01:04:07] indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. To give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Elmar County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition speakers may not share any unused time with another speaker back and forth debate is not permitted and do not speak from your seat or out of turn

[01:04:46] all comments are live streamed recorded and published on the almar county website all right with that our first speaker for today is samuel linblum welcome please adjust the microphone so you can be heard i talk really loud so maybe that works first let me say i also share my appreciation for mr o'connell and the community water supply that's not why i'm here um partially

[01:05:26] i'm here to talk about uh uses at ragged mountain um i wanted to uh address a few misconceptions that i've heard recently uh we have heard and in here that there are only two places for hikers to hike and our hiker only trails in charlesville albemarle indeed this just is isn't really true we have we're blessed to have Shenandoah National Park uh James Monroe Highlands Charlotte Humphreys

Toadier Creek Fernbrook Natural Area Sugar Hollow Ivy Creek and Ragged it all represents about 75 miles or so of hiker only trails this is quite a lot um we're not opposed to that certainly not

[01:06:02] opposed to hiker only trail feel like that's a really valuable asset to our community uh we also hear uh that uh that the mountain bike uh groups or people want to build trails all over Ragged that's also not true part of the city-led process the community process that we did back in 2016 we simply desire one shared loop around the reservoir and the rest of the trails were to be hiker only we stand by that agreement we stand by that plan we don't need any new trails

[01:06:35] to accommodate that in the future lastly i feel like it's been pretty documented that that bikes don't threaten our water supply we heard that straight from rwsa but there simply isn't any evidence that bikes are causing any ecological damage either our fact in fact our own trail construction maintenance crews and volunteer corps have rerouted and and solved a lot of poor uh steep eroded trails that have caused erosion and vegetation damage it's it's part of our normal process and and the the guidelines which we work on trails when rwsa um removes about

[01:07:12] another 20 or 20 or so uh foot perimeter around the existing reservoir to expand the reservoir as part of the water supply plan uh we'll be ready to uh to plan and implement a solution um we uh we don't really understand why like why bikes have gotten specifically singled that audit ragged is an interesting thing there's a lot of things in the code that prohibit they're prohibited but bikes get regularly called out first we thought it was about water quality then we thought we heard and thought it was about conflict with with uh with hikers of which we we've actually asked the city how many how many complaints you get and they say they haven't heard any and now we hear about

[01:07:51] destroying the destroying nature we don't think that's true either um what is true is that we have been and continue to be ready uh to work with all the partners uh the the city parks the county parks the all of our other constituents that are interested in outdoor recreation trails to protect sensitive habitats and provide recreation recreational opportunities that serve our community uh thank you very much and just quickly could you just introduce yourself and share your mind i'm sorry i didn't just for the record my name is sam linblom and i'm in the rivana district there you go thank you thank you sorry about that that's okay chris christine putnam

[01:08:38] hello and thank you for having me my name is christine putnam and i live in the scottsville district and i just want to say i really enjoy the proclamations they always are really inspired So I serve as a member of the Albemarle County Natural Heritage Committee and I've been serving for the last eight years. And during that time, I've learned a good deal about the very special places in our county, those that are rich in biodiversity and those that contain rare and sensitive species. The Ragged Mountain Natural Area is one of those special places that is worthy

[01:09:13] of extra protection. It contains large areas identified as biodiversity hotspots, which are sensitive to disturbance according to the center for urban habitats 2016 biological survey and comments made by the virginia department of conservation resources so as human populations grow and our world becomes more and more urbanized it's our responsibility to preserve the ecological treasures under our care because once they're gone they're gone forever

[01:09:48] And in the 1990s, the area around the Ragged Mountain Reservoir was established as a natural area where the scale of human activity would be limited. The Natural Heritage Committee urges the board to keep the present ordinance in place and not to make changes to the authorized activities.

[01:10:08] And for further consideration, we recommend having only one trail and that no additional trails be built. I enjoy mountain biking, running, and hiking in the woods. And there are ample opportunities for all those endeavors in our county, thankfully.

[01:10:28] But let's set aside the Ragged Mountain natural area as a place to study and quietly enjoy nature at a contemplative pace with the least possible impact. So thank you very much. Thank you.

[01:10:44] Angela Skelis Worley. Don't see anyone. I think I have that correct. So, Angela, not here. All right.

[01:11:03] John Rabassa. You ready? Greetings.

[01:11:22] My name is John Rabassa. I live in the Jack Jugg District, and I come before the board to comment on the use of the Ragged Mountain Natural Area. In many communities, especially those that are growing, the use of trails can be a difficult matter. Balancing the needs of different types of activities, the use of trails, walkers, bikers, runners, even horseback riders, often pits one group against the other. It is difficult to tell one group that their activity is not as worthy as in other groups. This is a matter of recreation,

[01:11:57] and it can be complex. Fortunately for you, the use of Ragged Mountain Natural Area is not a matter of recreation, but of conservation. As a designated natural area, your responsibility is not to find a solution for the different groups, but a solution for the preservation of the natural ecosystem that exists there. Any activity, if allowed, must be the one that least disrupts the rocks, plants, and wildlife in the natural area. Dragon Mountain should be enjoyed, but is

[01:12:30] not a prerogative. It is a privilege. In a democracy, we have the right to express with many voices, and it is our instinct to find a solution that can accommodate the most, to find a win-win. But in some cases, we need to give a voice to the natural treasures we have. In the tragedy of commons, allowing anyone to use the commons as they wish, makes the commons unusable to everyone. Teddy Roosevelt had the foresight to see this when he enacted the Antiquities Act,

[01:13:05] often known as the National Parks Act. It may seem a stretch to compare Ragged Mountain to Yellowstone or even Shenandoah, but the spirit of conservation is the same, and the benefits to the community extends to generations to come. Viewed through the lens of conservation, the matter is not difficult, but simple. There is no need to make changes to the ordinance and keep Ragged Mountain as a natural area, allowing only walking without dogs or bikes as activity of least

[01:13:35] disturbance. Thank you very much. Thank you. The next speaker is Karen Yates. I am Karen Yates from the Whitehall District, but I am speaking here today on behalf of Meg Hubeck, President of the League of Women Voters of the Charlottesville area. The League of Women Voters of the Charlottesville area has become very much aware of the discussion that is going on today about the natural area

[01:14:15] surrounding the Ragged Mountain Reservoir. We feel the recently announced agreement in early March Finally, resolving the dispute between the city and county about usage should remain in place.

[01:14:34] It returns the Ragged Mountain natural area to the level of protection that was intended when it was created. The Ragged Mountain Natural Area was put together over years by Ivy Creek leaders who

wanted to preserve and protect the land for the community's quiet contemplation of the native landscape, bird watching, fishing, and wildlife observation.

[01:15:05] No one is excluded by this arrangement, and no one is deprived of physical activity. The only requirement which we consider appropriate to the Ragged Mountain Natural Area's purpose is to enter on foot.

[01:15:27] The Ragged Mountain Natural Area offers a unique and different experience than a park designed for sports. It is one of the only two natural areas in the county versus multiple parks that are open for mountain bikers.

[01:15:47] The League of Women Voters of the Charlottesville area respectfully asks that the March 7th legal agreement between the city and the county be upheld this day of May 15th.

[01:16:03] Thank you very much. Thank you. Thank you. The next speaker is Jack Dameron. Good afternoon. My name is Zach Dameron, and I've lived in Amarillo County for 40 of my 65 years.

[01:16:24] I currently live in the Jack Tewitt Ministerial District, and I'm distressed to take a difference with my good friends and neighbors on the other side of the aisle, but I'm currently here to support mountain biking in the Ragged Mountain Reservoir Trail.

[01:16:39] I'm an avid rider and have loved that area, and I'd like to speak to two areas, two points that are simple but very unique about this trail system. One is its proximity to Charlottesville and the biking population. To go to other mountain bike parks in this community, you have to get in your car and drive 30 to 40 miles from my Florida neighborhood, which is time on the highways that could be better put to use on the trail.

[01:17:06] The other is that's connected to the Hayward Forest Trails and then the O'Hill Trails, which allow for probably 15 miles of trails so that you have a variety of trails. You're not doing the same laps around the same place in repetition.

[01:17:22] And there's no other place like it. And in terms of wanting to preserve nature, yes, we love that. I was out there, not on that trail, but up on Song Mountain last weekend. All eight riders were using our Merlin app to listen to the bird sounds.

[01:17:40] We get out there. The bicycling allows us to get out there sooner, faster, and further. And we like to commune with nature just like anyone else. So I would ask you to change the ordinance to allow mountain biking to go, once again, on the reservoir trail. Thank you.

[01:17:56] Thank you. The next speaker is Walter Rogers. Hello.

[01:18:16] I'm Walter Rogers from the Scottsville District. My wife and I moved here last October from the Syracuse, New York area. Two of the things I like the most about your area, our area, is what I call winter weather.

[01:18:35] and the other is mountain biking. I think that Ragged Mountain is a great trail. It's good for older riders like myself. It's not too hard. It's not too easy. It's scenic. It really is a gem of the trails that are in this area. I'm also impressed with the local mountain biking group.

[01:18:59] They do a lot of just trail maintenance, but they also are very willing to work with all the other groups to make sure the shared use is good for everyone. I think we're lucky to have them and I think they

can work with everybody to make it a successful use of the trails. So thank you. I hope you'll make the changes necessary to allow mountain biking at Ragged Mountain. Thank you. And let me

[01:19:30] just try one more time. Angela Worley. Is Angela here? Thank you very much. I just wanted to make sure we had her. Appreciate it. All right, that's it. That's it. Thank you. Appreciate that. We have no other signups. We'll move on to item number eight, our consent agenda. Board, I'm not aware of any amendments other than an administrative change to item 8.2. So the floor is open for a

[01:20:06] motion to adopt the consent agenda with that change. Second. We have a motion from Supervisor Lopisto-Kirtley with a second from Supervisor Malek. Without objection, if the clerk will call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Curtley? Aye. Ms. Malley? Yes.

[01:20:26] Thank you. With that, Board, we now turn to the item of the day, which is the discussion of the Ragged Mountain Reservoir uses with Mr. Deloria, the Senior Assistant County Attorney. Welcome, Mr. Deloria. We're having a presentation today. Board, I do propose that he'll go through his presentation, we'll go through questions, and then we can have a discussion following the questions.

[01:21:04] This might be the most challenging part of the presentation.

[01:21:21] There's plenty of help available. Just holler if you need it. So good afternoon, Chair Andrews, Vice Chair McKeel, supervisors. I am Richard DeLoria, and I'm assistant with the County Attorney's Office, and I've been asked to appear before you today in order to give a background on on the ragged mountain reservoir i don't think it's too complicated so it'll involve kind of the legislative history the history of of regulation

[01:21:58] at the reservoir also just kind of a brief background in terms of the litigation i think everyone's aware that the city and the county were involved in litigation over this issue for several years. Finally, then we'll look into what the current status is at the end of the resolution of the litigation, and then staff and the county attorney's office have worked together to come up with some options that the board may want to consider down the road. Not necessarily today, certainly up for discussion, but I don't believe it's up for any action today.

[01:22:38] So we are talking about, oh, one thing I do want to say as I pull this up, the materials that I'm using, they're generally original source materials. So they come from the public records. They come from the clerk's office. They come from the minutes and actions of both of the board of supervisors and also the city council. And so I was trying to just, in terms of the presentation, to use those original source materials and they were for the most part they were exhibits that

[01:23:13] were used in the litigation so they were submitted to the charlottesville circuit court for its consideration but we start with a brief history of the ragged mountain reservoir and i promise i won't go back to creation i'm only going to go back to the 19th century and so what you have before you right now is an official tax map of the boundaries of the reservoir.

[01:23:39] The city of Charlottesville in the 19th century, mostly around the 1890s, had undergone an effort to purchase a number of parcels in Albemarle County to create this reservoir to serve as a water source for the city of Charlottesville. In 1972, the city and the county came together to form the Ravana Water and Sewer Authority in order to manage the water source and in terms of what is the reservoir what you see is a map and it has the red boundary on it

[01:24:19] and part of the litigation did involve the debate over whether the reservoir was just the water source the water itself that RWSA manages or the water plus the land. In terms of the legal definition of the reservoir, it is what's within that boundary. So it includes dry land. It also includes the body of water. And that is from, I believe, the 80s. And that map rests with the clerk of the board of supervisors. It is referred to in our ordinance. And so that's the official

[01:24:54] designation of the reservoir. It predated, obviously, the expansion of the dam. So the body of water that surveyed on there is smaller than the body that exists today. This is a more recent GIS image of the reservoir, and so it shows the expansion when the dam was, when it was raised.

[01:25:20] It is now a single tax map parcel. In terms of RWSA coming online to manage the water source In 1972, there was no ordinance, either city or county ordinance, that regulated RWSA and the city of Charlottesville were managing the water and the property during that time frame.

[01:25:50] It was all the way up until 1981 that the city was managing or operating the land. And in 1981, that's when you see the effort. It was probably 1980, but 1980, 1981, that's when you saw a concerted effort between the city, RWSA, and the county to get some type of legal backing to regulate what happens at the reservoir.

[01:26:17] Historically, I can't give you an anecdote, but the records do suggest that there was public pressure, as much public pressure as there could be back in 1972 compared to today. But there was public pressure to use that land for camping, hunting, boating, fishing, all that sort of thing.

[01:26:35] I will say there was no reference to mountain biking or jogging at that time back in 1972. So how was it managed? Before 1981, I referenced that the city of Charlottesville was administratively managing and regulating what happened at the reservoir property, and it was done administratively within the city administration.

[01:27:05] This is the first evidence that we found of any formalized regulation of activities that occurred at the Ragged Mountain Reservoir. One thing I want to point out, and this is kind of a common thread, I don't know if it's a theme or I want an English major, a common thread that goes through the legislation and the discussions are two things.

[01:27:29] Number one, and so you'll hear me speak about this as we go through this presentation, is what is the, and you all are familiar with the animating purpose. What's the reason for the regulation? In this case, it's an administrative regulation, but that applies equally to ordinances that the Board of Supervisors or City Council would pass.

[01:27:53] And so that's one thread is this animating purpose. And you can see as early as 1974, the city recognized its animating purpose in issuing this regulation was to preserve the water supply.

[01:28:10] When you look through the Virginia Code and clearly you look through the county code, protection of the public's water supply is pretty much paramount when you get up there. And so the city puts it down in 1974 that they want to protect the city's water supply from harm.

[01:28:32] And so what you'll see that follows from that is a continuum of regulation of really limiting recreational uses. There's a demand for recreational uses out at the reservoir. And so what you see is an effort really to limit those activities to low-impact recreational activities.

[01:28:56] And so this is the first we see of the regulation. It's the same regulation coming out of 1974 out of the city. This one applies to Ragged Mountain, and they do the dichotomy very similar to what this board has done in the past, and then even the city of Charlottesville did recently in 2016.

[01:29:16] They break it down into permitted uses and prohibited uses, and they identify at Ragged Mountain, at least at that point, the only two permitted uses were fishing and hiking. And I contrast that with what you see they did at the South Fork Ravana Reservoir.

[01:29:40] They identify permitted uses, again, the kind of the boating, the fishing. And I highlight D because it's very interesting. This is the second thread that you see going through the ordinances, both the county and then more recently the city is this language it's the structure the language is to identify these low impact recreational activities so here more recently the county didn't make up bird watching it it sources from 1974 where the city says look you can you can

[01:30:17] boat you can fish you can hike you can watch birds and you can sightsee so those low impact activities are identified even as early as 1974. So between, as I commented or alluded to before, in 1980, there became a joint effort. And I do want to highlight that because that also is a common theme that has gone through, one, the case, but two, the history of regulation at this reservoir is that it was a joint effort initially between RWSA, the city, and the county. And then

[01:30:56] later you you had the ivy creek foundation come in but in all these efforts to regulate the activities the recreational activities at the reservoir what you saw was you saw the cooperation of of the of these of these organizations and these in these bodies so there was an effort that the city rwsa didn't have the capacity back in in 1980 to to really operate the dry portion of the reservoir. The city didn't either, so they came together to work to the county, to work with

[01:31:31] the county, to come up with an agreeable ordinance that would govern the operation of activities at the reservoir. And so you see in 1981, and I'll have to give credit to Jim Bowling, he was a county attorney back then, but he was the primary author, I'm sure with a lot of input from the RWSA board and also city council and both city and county departments.

[01:31:59] But what you see in 1981 is what I pointed out earlier, is you see this animating purpose being front and center. And so the county acknowledges that there's a desire to protect the water quality of the water supply reservoirs. And of course, the county code at that time, It didn't just apply to Ragged Mountain, it applied to all the county reservoirs at that time.

[01:32:23] And then that's reiterated that, as we talked about the limited recreational activities, they identified that it's only to be used for limited recreational purposes as allowed in that article. And then identifying in 1981 what those limited recreational activities are, the county code identified fishing, canoeing, boating, and we had seen that before.

[01:32:49] The model actually for this is pretty clear when you look at letters from Jim Bolling and other comments in the minutes of the Board of Supervisors, that the basis, the model for this ordinance was actually the 1974 administrative regulation that I showed a little bit earlier.

[01:33:12] But again, so in 1981, we identify what are the permitted uses. We have fishing, canoeing, and boating, and then we identify very similar to what the regulation was that hiking and bird watching is permitted at the Ragged Mountain Reservoir.

[01:33:32] Between 1981 and then when you get to the mid-90s, there were some minor changes, some tweaks I'd call them to the ordinance generally had to do with firearms had to do with camping had to do with hunting but nothing that really we didn't emphasize it or focus on it in terms of the litigation and the research because it didn't really apply to what the what the context or what the focus of the litigation was but you just saw some minor tweaking going on between 1981, in the mid-90s. In the mid-90s, again, you get a reaffirmation of protecting the reservoir

[01:34:11] as a water supply and, again, reaffirming the low-impact recreational activities. But before 1997, the Ivy Creek Foundation, which we all know runs and manages the Ivy Creek Park, which is a jointly owned park between the city and the county, they had managed that and run it as a natural area and they proposed to the city and the county that the ragged mountain reservoir become a natural area to be operated in a similar fashion as to the ivy creek as to the ivy creek

[01:34:46] park so they put forward a proposal and their proposal was was part of of what was presented to the charlottesville circuit court and they made it clear that the idea was to establish the ragged Mountain Reservoir as a natural area. And then the activities that they identified, of course, for hiking, nature observation, and study fishing, and the intent is that it be preserved in a natural state. So in terms of what they were proposing, it's certainly consistent

[01:35:22] with the animating purpose that the original administrative regulation had adopted, and of course that the board of supervisors with the agreement of the city and rwsa had had codified in the county code and so so we have that again that thread that keeps that keeps going through all these ordinances and how we treat the ragged mountain historically treat the ragged mountain reservoir so we carry on with the ivy creek foundation's proposal they make it clear in the

[01:35:58] proposal that it's to be a natural area. The water quality should not be compromised through sale or lease. I'm not sure exactly what they envisioned, but they want to preserve and protect the quality of the source water for the public water supply. But they make it clear that in 1997 they want access to be limited to foot travel only, and they expressly say this precludes the bicycles, all-terrain vehicles, horses, and pets. So of 1997, you see this acknowledged limitation

[01:36:31] as to what can happen at the reservoir. I will say that the city approved this proposal. The county, the Board of Supervisors minutes show that the Board of Supervisors agreed with this proposal and adopt it and rwsa did also that was borne out through a resolution a 1997 city council resolution that acknowledged the city the county's rwsa and obviously ivy creek foundation

[01:37:04] approval of of the of the proposal and that the reservoir should be developed as an area for public hiking, nature, observations, study, and fishing. In 1998, the board of supervisors went through a recodification of the county code. And I point this out, there's no real significant change that was made. But what it shows is as of 1998, the board adopted an ordinance that for all intents

[01:37:40] and purposes is the same ordinance that we have today. And I won't do the math, I think a few years have passed while this ordinance existed. But it was amended to essentially be current as of 1998. Again, we see the animating purpose of this 1998 recodification to prevent the pollution of the public water supply, protect the public water supply, and limit the recreational uses to only those that are identified in the county code. And those are essentially low-impact

[01:38:14] uses as they're identified and so you see those uses um authorized in uh in the county code as of 1998 fishing and again we see the language hiking bird watching i think we have to acknowledge that picnicking was then taken out of the prohibited activities and so then you were allowed to throw down a blanket and eat at the at the reservoir again although it it it lists some prohibited activities it it has that general prohibition that says if it's not authorized if it's not

[01:38:51] expressly authorized that it is prohibited so the statuses of 1998 is that there are limited recreational activities permitted at the reservoir but they are but but they are low impact and of course we know from 1997 that all parties were in agreement were in agreement with that this actually, this was part of the exhibits that were submitted to the circuit court. This was a sign

[01:39:24] that had been posted at the reservoir at one of the kiosks. And although the city will learn in a little bit, the city had made efforts to look in to investigate changes of uses at the Ragged Mountain Reservoir. This was a sign that had been posted by the city. I suspect it had been there for a significant period of time, but it reemphasizes that in order to protect the natural environment of the reservoir, there are limitations on what can be used, and so you're not allowed

[01:39:59] to have pets, jogging, bicycles, or collecting of any sorts. The hiking was permitted, the picnicking, whatever the county had allowed in its ordinance were the permitted limited recreational activities. I believe it was in 2014 when the Ivy Creek Foundation kind of backed away from managing the Ragged Mountain Reservoir.

[01:40:27] I can't speak to the particular reasons why they did that, and I don't think it was important. It was not important to our case. I don't know that it's important to this body's considerations. However, what you saw was when they were backing away from it, the public records make clear that the city at that point was in a position to say that, hey, we have the capacity to manage this property in a park-like fashion.

[01:40:57] We would like to do that. And so they proceeded to engage in planning how this property could be used for other recreational activities. It involved in-house planning, but it also involved a significant amount of outreach to the community.

[01:41:20] There were a number of, I'll call them town halls, town hall meetings, that went to discuss what the land could be used for. I will say that there were a number of, in terms of when they decided that trails, that biking trails would be permitted, there were significant work sessions in terms of what those trails should look like, how they even had sessions on how these trails could be designed to be sensitive to the biodiversity that was out there.

[01:41:50] So I'm not going to say that, I have to say they went to significant efforts and significant investment to come up with a plan. But they did come up with a plan and that had been presented.

[01:42:07] It did involve multi-use trail designs. I haven't included those slides. We had a number of exhibits in terms of what those trails and what the arrangements were and kind of how they evolved over time. But again, I don't know that that's important for this board at this point in time other than just to point out that they existed.

[01:42:32] And so kind of the legal context of what can the city do and what can the county do in regards to the in terms to the reservoir or property that one locality owns in another locality which is what we're faced with started out in essence for the county what it was an exercise of police powers the board of supervisors has has a duty to protect the water supply for the public and that does fall under police powers

it falls under a number of other it falls under a number of other Virginia statutes that authorize both the city and the county to protect the water

[01:43:11] supply and to be able to take some fairly radical steps to protect those water supplies. However, this is the essence of what the case boiled down to and what the relationship boiled down to. So this code section in terms of police powers essentially says that the city can provide for the operation and use of its property in the county. It does have to do it by ordinance, which which makes good sense so that the public and and of course the the board of supervisors knows what they intend to do with the property but but the basis of our case the backbone of our case

[01:43:48] when we got to it was no ordinance in conflict with an ordinance of the jurisdiction wherein the property is located shall be enacted and so that's where you get you get essentially the issue that the case came down to was, are these in conflict? And if so, which ordinance controlled? But that kind of just gives you the legal framework of where we're looking at.

[01:44:15] So in that essence, of course, we already look at the county exercising its police powers, and of course, its water protection powers by enacting its ordinance. This was back in 1997. It says that only those activities that the county authorizes can be done.

[01:44:36] And, of course, any activity not expressly permitted shall be prohibited. And the express permitted limited recreational activities were fishing, hiking, birdwatching, and picnics. There was boating that was allowed, too.

[01:44:52] But those are the only identified activities. And again, I point back to the thread that went through this, these limited activities didn't just come to mind in 1998 or 2011 or any time.

[01:45:09] At that point in time, they originate from the intentions of the city, the RWSA, and the county as far back as 1974, I believe it is, in terms of identifying hiking, bird watching, picnic, sightseeing, that sort of thing.

[01:45:24] And then the prohibitory language, that, again, is a common thread that has gone through for, I think I can do my math here, 50 years. So it's a longstanding tradition. And I point that out, I'm going to get, I hope I don't get off on a tangent.

[01:45:42] I'll point it out because we want to make, we always wanted to make clear, and I still want to make clear, The case that was brought against the city and the case that the city brought against the county was not about biking.

[01:45:57] It wasn't about jogging. It wasn't about horseback riding or horseback riding. It was about the statute and the police powers and how those can be exercised. And it's important to point that out, that that wasn't the issue in the case.

[01:46:15] It was how these laws and how these ordinance, what the relationship of those were. So, we know that in 2016, this is what the county permitted. We know in December of 2016 that the city council, after, I will say, the lengthy studies and then deliberation, they enacted their ordinance that, I will say, it was an ordinance that managed, it didn't manage reservoirs like the county's ordinance did.

[01:46:50] It only addressed the Ragged Mountain Reservoir. And so, and I don't think I have it right here. If you look at their animating purpose in doing that, it's almost identical to the county's purpose in saying that they're doing it for water protection reasons.

[01:47:15] In any event, they passed an ordinance and they allowed bicycling on designated trails. They expressly allowed jogging, and they expressly allowed horse riding with special permit. That wasn't a major issue.

[01:47:32] None of those were really an issue in the case. I think the special permit, the reasoning behind that for the horseback riding was, I think Camp Holiday Trails is out there, and there might have been some interest in them having limited horseback riding. But that was the purpose. It wasn't to be opened up, opening up the reservoir to widespread horseback riding.

[01:47:53] but that kind of sets the stage you've seen the county ordinance you see the city ordinance and the the fundamental question in the case and certainly at the end when when um when we narrowed the issues to present to the court was which ordinance controls and of course the underlying question is why but i but for most part i've already answered that question by citing the statute that says that the city's ordinance can't be in conflict with the county's

[01:48:21] ordinance. So in April of 2017, because of this conflict, the county decided to file a complaint and essentially is to have the court determine what the answer is, whose ordinance controls and why. So when we filed a suit in April of 2017, we asked that the city's ordinance be declared void. The city countered with a number of counts, but in essence, what they wanted to do

[01:48:56] was to have the county's ordinance declared void, so we were at issue. What followed was a fairly complicated, involved, and lengthy litigation process. It involved a lot of motions, filings, and scheduling of preliminary injunction hearings, that sort of thing, but it also involves significant efforts on both the city's part and the counties and their staff and their legal staffs to negotiate and to mediate a resolution. I believe through those processes, we did make progress, but there was no concrete success in reaching a resolution. So ultimately, we were able to narrow the issues.

[01:49:36] We agreed to submit the case to the Charlottesville Circuit Court. Judge Worrell ultimately received the case and ruled on the case. We did it by briefs. As you can see as illustrated by this presentation, the issue was pretty much a legal issue. There weren't much factual issues that had arisen. We had exchanged all the public records. We were fairly amicable in terms of identifying exhibits. And so we briefed it and we were able to attach our exhibits and we submitted

[01:50:12] that to the court. In the court, we narrowed the issue to essentially which jurisdictions ordinance controlled. And that was the issue presented to Judge Worrell. And so Judge Worrell in 2022, he made a decision. He did it. You'll see this is a copy of his letter opinion.

[01:50:33] So some judges, they'll issue a letter opinion explaining the reasons for their decision. And then, of course, we have to come up with a final order. So it takes some time. But he was pretty clear. He found that the Albemarle County Code preempts the Charlottesville's code and that only the enumerated activities in the county code are permitted.

[01:50:54] And so essentially what this did is it returned the city and the county to the pre-2016 status. There were no judgments made on any particular activity. There was no judgment weighed one way or the other on biking, running, jogging, pets, horses, or anything like that.

[01:51:11] it was a simple, fundamental, legal decision that the court made. So he made that decision in July. And of course, lawyers don't move too quickly. We had to get a final order presented to the judge. And we had some back and forth on that. But the final order was entered September 30th of 2022 in the

Charlottesville Circuit Court. And the city noted its appeal, noted its appeal to the Court of Appeals of Virginia. Before that could go up to the Court

[01:51:46] of Appeals, there were some procedural wranglings that went on between the city and the county. But even during all those wranglings and discussions and court hearings, we still were discussing the possibility of some form of a resolution. And I think it's been alluded to in the public comment and the board supervisors are certainly aware that the parties ultimately agreed to terms for ending the litigation and again this is a point of clarification the agreement that the city and the county entered into was an agreement to end the litigation it was an agreement it was

[01:52:25] not an agreement to say and I've heard people say oh the the city agreed to end biking at ragged mountain reservoir they did not and we didn't agree to say that biking isn't permitted or all these things aren't permitted. It was an agreement simply to end the litigation. And I can't speak to the reasons. I can only report that it was done. So the city and the county entered into an agreement to withdraw the appeal. And the terms of that agreement were fairly straightforward. There were some technical legal things in there about sovereign immunity and other aspects,

[01:53:03] but they weren't really material to this report. But the city had agreed to withdraw the appeal, and that would end the litigation between the parties, and that would mean that the Charlottesville Circuit Court judgment would be the law of the case. It's the final judgment, and it's what governs these ordinances, the relationship between these two ordinances.

[01:53:27] The city agreed in that withdrawal that within six months it would repeal the biking and horseback riding provisions. To some extent, I mean, I think that's important for public understanding not to have the conflicting ordinances, but it doesn't change the law of the case. The law is that whatever portion of the city ordinance that conflicts with the county ordinance is ineffective. The county ordinance preempts. And you will see, I don't want to get too deep into it, but you do see statutes in the Virginia Code that have been deemed unconstitutional.

[01:54:05] They're ineffective, but they stay there. So the bottom line is any portion of the city's ordinance that conflicts with the county's ordinance is of no effect, whether it's on the books or not on the books, but they have agreed to remove those specific items within six months, and that will provide clarity for the public, so there is significant value in that. In that agreement, the city allowed the county to go onto the reservoir property and to place signs. The agreement actually says signs very similar to the one that was posted up there, so it talks about

[01:54:42] activities that are permitted, and it can speak to activities that are prohibited. So it doesn't require the county to do that. It says that the county may do that, and we are positioned, at least according to the terms of the agreement, to move forward on that at this point in time.

[01:55:03] The other part that the city offered and the county accepted was that the county would, And I do use the word maintain primary law enforcement responsibilities because the police department, at my request and then also at Colonel Reeves' request, went back and researched the history of responses to calls for service out at the reservoir property.

[01:55:29] And I can't give you exact numbers, except they were overwhelmingly county police, which makes sense because it's perched right there in the county, primarily responds to those calls. There aren't that many calls out there.

[01:55:46] It's not a huge demand. However, the county did agree that it would maintain primary law enforcement responsibilities. And I say primary because that's what we've been doing. I want to make clear that doesn't change the notion that the city and the county have concurrent police powers out at that property.

[01:56:05] So what that looks like going forward, again, I don't think it's going to be a huge impact because there's so few calls for service out there. The city in March, they filed a notice of withdrawing the appeal to the Court of Appeals of Virginia.

[01:56:23] What you have up there is the order from the Court of Appeals of Virginia. It was entered on April 1st, withdrawing the appeal, and so that effectively ended the litigation between the city and the county. As I said before, that means that the circuit court's order that you saw reported is the law of the case and the final word at this point in time as to this particular issue.

[01:56:49] So the appeal is officially withdrawn at this point. And so what that leads to is essentially where are we? what's the status at this point in time? The litigation has ended. The legal question has been answered. We know the relationship between the ordinances. We know the police powers that this body has in terms of passing or maintaining ordinances related to the reservoir. And so in terms of discussions and meetings with legal staff and then also the county staff, we essentially

[01:57:24] came up with three potential reactions or responses to where we're at, the end of the litigation. So the three that we have essentially are we maintain the status quo, and I think we've heard some of that through public comment. Second option would be to consider expanding the limited recreational activities that would be permitted out there consistent with the animating purpose of protecting the public's water supply. And then the third is actually, and I'll call it

[01:58:01] kind of loathe to say hybrid coming out of the pandemic, but would be essentially a hybrid method. And that would be to maintain the status quo at this time, but with the intention of working with the city to arrive at a memorandum of agreement in terms of operations. Maybe not perfectly similar to Darden Tau, but we do have an agreement with the city, an operational agreement with the city on how that could be managed. And so one thought was that the county could pursue with the city a memorandum of agreement in terms of how the park will provide for the operation

[01:58:40] and use of the reservoir. And so in terms of maintaining the status quo, we've talked about the agreement to withdraw. That gave us the options that we have. And so in terms of saying what would the county's response be, one was, of course, we're allowed to post signs. So that's kind of an educational activity. We post the signs in the park indicating what's permitted, what's prohibited. There's been a discussion of the county's communications office engaging in

[01:59:19] the public in terms of TSAs or other types of way to get the word out about what can be done at the park, what limited recreation, I say park, it should say reservoir, I apologize. The reservoir, what kind of activities would be permitted, what's prohibited, and what they can expect. There was also a discussion very similar, now I go back to the pandemic. Very similar to the actions the county took during the pandemic, and that was to engage ambassadors who would be in a position to meet with the public. At that point, it was six feet.

[01:59:57] In this case, it may be to be present at the reservoir to suggest to certain people who may be bringing bikes on their cars or trucks or riding up there or doing other prohibited activities to just educate

them right there on the spot.

[02:00:14] The other option is, of course, is a legal process, and that would be primarily through law enforcement for them to be engaged, to provide warnings to the public if they have to be out there for any reason, whether it's a call for service or whether somehow they work it out so that they're there just to be educational.

[02:00:38] they could issue warnings, and if push comes to shove, they could issue citations or summonses for violation of the county ordinance. It could be considered pretty heavy-handed because a violation of this county ordinance is a class one misdemeanor. It is the highest misdemeanor, so it's punishable up to 12 months in jail and or a fine of \$2,500. I'm not going to sit here and represent that the Commonwealth's attorney would take such a heavy-handed approach.

[02:01:08] And I will say we have had conversations with the Commonwealth's attorney, and that office is very interested in the county offering education to the public and posting the signs and having the communications and the public engagement to educate the public as to what's permitted and what's not permitted.

[02:01:32] So that's in terms of the reaction, if we just kind of maintain the status quo, there's no change. The second option, what we were looking at was the board could consider permitted or additional recreational activities.

[02:01:51] You've heard that in terms of public comment today, the request to do that. It certainly would require a change in the ordinance, so it would require public engagement, public hearings and discussions, further public hearings and discussions over that.

[02:02:09] What option that gives the county, clearly as you've seen through the history in terms of changing what's a permitted activity and what's a prohibited activity, is that you would have the option to be selective.

[02:02:25] Say, for example, if the decision were made that running and biking was consistent with protecting the public water supply, then you could make that decision. But you can also be selective in terms of, well, is it running but not biking?

[02:02:44] Is it running but not horseback riding? So that gives you an option to be selective. Of course, we have to adhere to our enabling authority, which in this instance is protection of the water supply, in identifying those activities that are permitted, if you expand those or change those in any way, I refer you back to the Virginia statute, which said that the city's ordinances that provide for the operation and the use of the reservoir can't conflict with the county's ordinance.

[02:03:24] So if the county is to say that an activity is permitted, then the city is able by ordinance to provide for how those activities can occur. And so to some extent, the board may be limited in terms of the scope, the intensity, the use in that.

[02:03:46] But that is an option, and it's something to be considered. The final response or optional response that we identified was, again, I call it hybrid, but it identifies it as a city-county operational memorandum of agreement.

[02:04:06] And it really is only limited by one's imagination in terms of what that would look like and what process it would take to reach that. But I call it a hybrid method because essentially this board would

maintain the status quo and then staff would go out and try to work with the city to see what they could come up with.

[02:04:28] But there really are, I did refer to Darden Tau that does have an operational agreement between the jurisdictions. So that is possible. And then in lengthy discussions, without going too deep into the negotiations, there were discussions of an operational agreement and some that were actually formed. So there could be a framework for that.

[02:04:52] In any event, what this would allow the board to do is work with the city to agree upon what activities specifically could be permitted. And whereas before in the second option, I indicated that the board really wouldn't have much say in terms of the scope, intensity, and frequency in which those activities occur.

[02:05:18] In terms of working out an agreement with the city, that's something that could be addressed. And so that's something I think it's attractive to be considered. The other suggestions would be in the effort to reach some type of operational agreement would be to clearly you'd have to have community engagement.

[02:05:41] But there was mentioned before of forming an advisory committee to explore the options, to look at what's been done, to see what the current status of the reservoir property is. because we are talking about a change of, I think, seven years, maybe eight years, so the conditions may be different. The other option was to consider, for example, what I call a delegate and review type situation, and so the board and the city council could delegate day-to-day operations or the scope and intensity of operations, perhaps, to their parks and recreation departments,

[02:06:18] but then the local governing bodies then would reserve the ability and the right to review either on an annual basis, quicker, longer, to review what the status is. And there is some precedent for that. I don't have it posted up here, but the resolution that city council eventually adopted provided for an annual review of the uses and the need for the continued uses out at the reservoir. Of course, all that does require amendment of the county code. It would

[02:06:53] also require at some point the amendment of the city code, and so that necessarily involves community engagements in terms of the public hearings and consideration of any potential amendments. So with that, I've probably exhausted my imagination, and I will, at this point, I'll pause for questions, comments, or whatever I can do to assist.

[02:07:25] Thank you very much. I really appreciate this, and I think that we should first go through questions and then do comments, but there may be more questions as we go. So I'm going to go through the order for questions. Supervisor McKeel. We all know that all six of us hate being first. Just putting that on the table, because invariably, as we discussed, we all have other questions that come to us. But having said that, Rich, thank you. That was really informative and extremely well done, and I really appreciate it. Very informative. I would love to have that

[02:08:03] presentation. If we could have a, you wouldn't mind getting it. I think it's public record. Well, it's public record but would you send us just I would just like absolutely and I'm sure that the public might be very interested in having it clearly up on the website somewhere the presentation so that people could go and look at it to be able to easily find it that's all if that would work and I do have a couple of just clarifying questions could you maybe go back to the

[02:08:35] the last slide which had the options so just want to be clear if so these are sort of the choices that we have is what i'm understanding the options the second bullet permit additional activities if we agreed to that we would specifically name the additional activities but then the city would control how they were implemented is that correct that that's i'm not talking about police but i'm talking about how they'd be implemented that's correct just because they have under under the

[02:09:13] virginia code they have the um they have the enabling authority to provide for the the operation and use but it has to be so i mean we permit picnicking right and the the being the city's land they can designate where it happens what kind of picnic what kind of where it happens the timing of when it happens, and perhaps whether it happens or not.

[02:09:42] So I'm just thinking in my head, trying to understand this, because I understand bullet one and bullet three, but I just want to make sure. So bullet two essentially would take Almaro County out of the operational piece and deciding what is, how it plays out.

[02:09:58] Correct. Okay. Thank you. I have another question that it's a little tricky to ask, but we've had seven or eight years now, during the pandemic and years before and after the pandemic, where there's been a lot of activity going on at Ragged Mountain. So that activity that's been happening, folks are saying, you know, oh, they saved us so much money and they, I mean, various things. And that's, I get

[02:10:30] that. But that activity has essentially not been permitted or was not permitted during this period of time. I'm just trying to figure this out. So it's an interesting dichotomy. The biking, which we did have evidence, and I think everyone admits to it, that biking was continuing during that time period when things were kind of unknown. But there was also issues raised over the construction of the trails. And so when I point to that statute 15.2, 1725, and you talk about

[02:11:09] providing for the operation and the use of of of that land since hiking was permitted then it follows that the city however they manage it could build trails uh-huh okay and whether they did it themselves whether they invited the community groups to come in and do it um that was that that was as we interpreted it a permitted activity okay and that's really helpful to hear i mean i think because i think everybody's been wondering about that so it's good to for clarification um and i

[02:11:46] know i had another question and of course now it's gone right out of my head but there was signage i think that was posted we saw the signage that was posted right so the the example that i provided in the um in in the presentation was posted as of 2016. that went up it was removed and that was it was it was up there long before 2016 after the city after the city passed their ordinance that sign was removed that's helpful okay just trying to make sure we understand and and we have a clear

[02:12:21] understanding um oh just one more question because i know everybody has lots of questions um tell me about what would be needed because i keep getting people are always asking me will there be a public hearing? Can you talk a little bit about, and I see Steve is moving in on this one. I'm going to defer to Mr. Rosenberg. So let me just say that it is, I think,

[02:13:01] commonly misunderstood that a public hearing is required for the adoption by the governing body of a locality of any ordinance. In fact, public hearings are only required when there is an express requirement for a public hearing in the state code. So there are certain actions taken by a

[02:13:39] governing body that are identified in the state code, and prior to taking those actions, a governing body, like a board of supervisors, must conduct a public hearing. This is not one of those.

[02:13:54] However, it has been the long-time practice of this board and certainly the long-time practice of governing bodies throughout the Commonwealth of Virginia to conduct public hearings every time the board considers an ordinance for adoption.

[02:14:19] So it would be a departure, I think, from this board's common practice in order to consider an ordinance without conducting a public hearing. Thank you very much, and that's all I have for right now.

[02:14:36] Thank you. Supervisor Malek? Thank you, and I will reserve the right to ask another question later after I think of one, so I'm just trying hard here. Do you like they say in Congress, right? First of all, thank you. I've been trying to take diligent notes to prevent going around in circles, which is, I know, my normal tendency, and I apologize in advance for that, too.

[02:14:59] So if I understand option two correctly, and there's been a lot of discussion about, oh, we only, the proposer or some proposer might say, well, only this trail. But that's not something that the county can require under number two, because the city can change its mind.

[02:15:21] and so correct that sort of I want to make sure I understand not to be sort of thinking this is everything is hunky-dory just because somebody says we're only going to do this when they have really no requirement to stand behind that so all right so for that reason number two is anyway of concern let's put it that way so in the op in the timetable which you've laid out

[02:15:52] at some time coming up the city will make changes to their ordinances that's correct also um and that's that's the same thing as repealing their code that was all the combination of the the bicycling allowance ordinance is repealing the code those are the same same thing or are those two different items no those are the those were the same things that they they would repeal the the biking and the horse they called it horse riding but the horse riding all right uh there

[02:16:27] has been reference to the what has happened in the last seven or eight years so where in this group of options would a really thorough assessment of what has happened beyond the sort of anecdotal reporting which we're hearing lots of all the time uh be it be done because i would say i would suggest the hybrid um where the where the the board of supervisors would maintain the status quo while staff undertakes reaching out to the city to work with the city.

[02:17:02] But I, and I will say in terms of the studies that were done, at least all the information I have, it doesn't mean things haven't changed, but that was information from 2016. Right. And I think I, you know, haven't been out there in the last six months, but I do understand that it is dramatically changed from even one year ago.

[02:17:22] So that's what something, you know, my own eyeballs need to see it and take more videos than I did last time. But I hope that this doesn't just fall upon us to get out there and figure this out. I hope there'll be a process for that. Excuse me. And I know that board members have already looked at a lot of the critical resource information, but that's something else.

[02:17:44] That would be an option three item as well, to be able to more thoroughly evaluate those critical resource areas that everybody talks about. I mean, the county has talked about in the Biodiversity Action Plan. they need to protect them, but how is the essence, I guess.

[02:18:03] And I think the third option is how that would be addressed. And so the options for enforcement, whether it's cameras or something, that would be something that would have to be, first of

all, we'd have to get authority to do it, second of all, and maybe we haven't already.

[02:18:21] Options for enforcement, do they, I guess, is the option for enforcement now only a face-to-face, a police officer seeing something happening.

[02:18:38] You mentioned the ambassadors might be able to interdict people and turn them back at the parking lot, basically say, see the sign. So theoretically, back from my criminal prosecution days, if I were to see you riding a bicycle out on the property at the reservoir, I could go to the magistrate and I could swear out a warrant for your arrest.

[02:19:06] Okay. And it'd be the magistrate. And I say that to a warrant, but the magistrate, of course, could issue a summons in lieu of a warrant. But I could, a private citizen can go to the magistrate and can obtain legal process against a violator.

[02:19:23] Right. I understand the theory of that. I don't know how one does that with a photograph of somebody. I mean, if you have to get their license, driver's license or something, you see this is why. Eyewitness testimony is evidence.

[02:19:39] Not always the best. Oh, interesting. one needs identification to make this happen. I mean, I just, I know that this is what the fallback is for barking dogs and many other processes and how difficult it is, both for law enforcement and for the citizen trying to carry this out. And then when we get to the judge, it seems somehow insufficient often. So I want to avoid any of those snares. So everybody's not spending a lot of time going around and around in circles when we're not going to get resolution. So that's what I'm trying to learn a little bit more about that.

[02:20:10] I didn't address it in this presentation, but there has been mention of the county changing, particularly identifying this violation and making it a lower-level violation.

[02:20:26] A lower-level violation? Lower than a Class 1 misdemeanor, so a Class 4 or a Class 3 misdemeanor. Why would that be a good idea? I'm not commenting on whether it's a good idea or not. Well, I mean, if you're considering getting somebody's attention and holding them accountable for something other than a slap on the wrist, I mean, I guess I'm just a nasty old lady here, but I'm interested in people being accountable, not saying, oh, I can just do this anyway, basically.

[02:20:56] And I don't have an answer for that either. But in many discussions over many years, various groups of all different activities said, oh, those aren't our people. know they're doing terrible things but those aren't our people and so we can't control what they're doing and so that's what makes me concerned as well whether it's on the highway or on trails that we will set ourselves up for the same type of situation where in the study process or which one of these main three would

[02:21:33] doing an analysis of best practices about water protection happen because that's something that has not been done except anecdotally and by people whose job it is not as far as it's not rwsa's job to be environmental protection for environmental protection's sake that's the county's job and the county residents job and epa and deq and all those other levels so and i know that compared to other states virginia is very low on the totem pole as far as or low in expectation about doing this i mean many other states don't even allow walking

[02:22:11] around the reservoirs and have big high fences the quabbin reservoir in western massachusetts is built. They took four towns and demolished them and made, that's the water supply for

Boston. And it's been actually for 95 years, it's been very, very successful. So we know it works. I would suggest that all three options would allow that. I mean, maintaining a status quo, the county and or in combination with the city could undertake that type of study before, if you were to consider option two, before taking any action, you could engage in those studies.

[02:22:47] And then obviously, in terms of discussing operations and uses with the city, you could condition those decisions made after those studies and analyses were done. All right.

[02:23:04] Thank you very much. I'll stop there. Thank you. Thank you. Supervisor Lupista. I've taken more notes from your wonderful presentation than I ever have for anyone else. So thank you. It was very, very thorough.

[02:23:19] So we're into questions, and I know that, do we know, and I know the whole thing is regarding biking and such, but do we know if the biking trails have caused any detriment?

[02:23:41] I do not, because, again, that was not part of the case. Correct. The case, you know, boiled down to a legal argument, and so there was not, there had been over the time we'd gone out there and had staff go take pictures and that sort of thing. But whether we can conclude that it caused any type of detriment, we didn't get that far.

[02:24:03] Exactly. And, I mean, I appreciate the fact that this was just regarding jurisdictional, you know, prior jurisdictional concerns and that we won the case. And so now we're looking at, can we go back to the other one, the three choices?

[02:24:19] But now we're looking at some perhaps moving forward, perhaps not, depends on what this board decides. But, and I really appreciate the history because a lot of us, I don't think any of us were here back in, what, 74.

[02:24:40] And so that I appreciate. There are a lot of questions I do have regarding the right, we know that they're going to raise the water at the reservoir. We know that, what impact will that have?

[02:24:57] We know that our primary concern is to preserve the water supply. know that but the question is can we preserve the water supply and maybe have other permitted additional activities i don't know the answer to that i really i really don't um i think and um can biking be a low impact i don't know that um does it affect the water water quality i don't

[02:25:31] know that and so this is that's those are questions for if the board decides you know to be able to to ask to be able to look into, certainly not now with the presentation. The fact that we've had it for a number of years is interesting. Before I even got on the board, they've been doing this. But I do respect the jurisdictional boundaries we have. I do like, I think you mentioned when I was walking in, maintaining the status quo, but perhaps moving forward with the

[02:26:09] city. Maybe that's more on comments, so I apologize. That's more on comments. Okay, let's stick to questions. Questions for the attorney. Yes. So I understand you said that the city in Albemarle have concurrent police powers. That's correct. And so either one could enforce whatever is allowed, not allowed. Is that correct? That's correct. Is that correct? Or any incidences?

[02:26:39] And to go further, they have concurrent water protection powers. I'm sorry, what? They have concurrent water protection powers. Okay. So this board could permit certain activities. And as I

commented before, the city, either one, in terms of using or operating the property, could decide not to allow it.

[02:26:58] But also in terms of water protection, the city could decide that, no, this is detrimental. That permitted activity is detrimental to the water, the quality of the water supply, and they could prohibit it. the jurisdictions of localities water protection authorities are pretty broad so if if the city decides a permitted use is is a water quality issue you're saying that the county could say no

[02:27:31] to that or the city could the city could okay because we can we can just say this is permitted for example okay let's say boating okay row boating i don't know row boating is permitted but if the city determines uh and the city can actually say row boating is only permitted on monday tuesday wednesday three to five okay but can they also say no we think that row boating is um boat rowing is detrimental to the water quality yes and if they said that even though

[02:28:09] we said it's a permitted activity, if they said that, then what would happen? Row boating would be prohibited. Pardon? Row boating would be prohibited. Prohibited, okay. If the county were to allow it and the city were to prohibit it, then it would be prohibited.

[02:28:25] It would be prohibited. Okay, well, this is, okay. And for two reasons is, one, that the Virginia Code gives them the authority to provide for the uses and the operation, and also, if the animating purpose is protection of water quality, then they would be able to do it under that.

[02:28:42] And I believe it's Sugar Hollow. Boating is not permitted, but that comes from the county. That doesn't come from the city. And so really, because of these restrictions, are you saying that it's imperative that we work closely with the city regarding, because we certainly don't want to put them in a position of having to say, okay, you allowed this, but no, we determined it's detrimental, so no.

[02:29:12] let me answer that question. Thank you. I don't think that we in the county attorney's office are telling you what is imperative. I think that we're explaining we're trying to explain to the board you know what what the options are and if you if you if you choose simply to allow additional activities as Mr. Deloria has explained to the board you're sort of limited in terms of

[02:29:45] your ability to affect how those additional activities are to be conducted. On the other hand, if you engage with the city, if there's a decision that's made to engage with the city in a process to determine, you know, how this resource is going to be used, it gives the

[02:30:18] county a seat at the table to have some input about how the resource, some greater input about how the resource can be used. And at the end of that process, as Mr. Deloria has explained, both city council and the board of supervisors would adopt complementary amendments to their respective codes to reflect the outcome of that process okay and this is after negotiation so

[02:30:56] you're actually kind of focusing on the moa is that correct if that's the choice that's made by the board correct right okay that's it for now thank you supervisor gallivine richie thank you for this this is exactly what i needed um i understand the options uh that that's all clear

[02:31:15] If you, in the 97 piece where Ivy Creek brought this proposal and each, the city, the county, and RWSA voted on it, I mean, what, other than just a vote, an agreement by these three jurisdictions, does that give it any other standing beyond, nah, we agreed to this proposal that then apparently, I guess, went sideways when they gave up management of it?

[02:31:44] So it does not give, it doesn't give, I forget your words, but it doesn't give it any more legs than what it had. It was an agreement, and I know the minutes from the Board of Supervisors after they approved the plan, they required other conditions, but it wasn't put into the ordinance.

[02:32:09] when the Ivy Creek Foundation withdrew, then those provisions essentially went by the wayside. In terms of the litigation, the purpose of it was essentially to the extent that localities can have an intent, was to show that the Board of Supervisors, the City Council, and the RWSA all had an intent for this area to host restricted, low-impact recreational activities.

[02:32:40] Thank you. And that was just Ragged Mountain? They didn't have a proposal that included south of the other reservoir? The Ivy Creek Foundation? Yeah. Not that I'm aware of. And then on slide 11, if you could go to that slide. I don't know if there's a more elegant way to get back there, so I'm going there. So there should be a warning of flashing lights. I'm

[02:33:05] sorry. Is that it? Yeah. So is the current area that's being used for what the city permitted in that definition of portion of the property that parking area so this was just to the parking area that was just to the parking area i see portion of the property surrounding is is not

[02:33:40] a portion of the ragged mountain reservoir when when this resolution was adopted it was for the purpose of i believe it was a two-acre parking area that's not included in the property but it did acknowledge the agreement with the ivy creek foundation's proposal all right thank you i misunderstood with that the explanation of that one the um and you had mentioned that the city went to some great some effort in the planning etc had work sessions public process etc at any

[02:34:17] time when they were considering that i mean i don't know if you know this or not did were they advised that their ordinance may be in conflict with ours yes and on a regular basis i mean i know what the reaction was is they voted to allow it but they continued with the process even though they knew the ordinance may be involved it may be in conflict with the county's ordinance um the answer is yes but they didn't they didn't their position their legal opinion was that it was not in conflict but it may be they were advised that it that our position was that it

[02:34:51] was in conflict but their position was that that they own the property that the activity did not affect the water quality and that the virginia code allowed them to develop parks outside their jurisdiction. And so that all this was appropriate. The water quality comes up quite a bit. Did they do a study to say that it definitively didn't affect water quality? I can't say. I don't know.

[02:35:18] I don't recall one, but I can't say. Just as a quick side note, because it's not pertinent to Ragged Mountain, but you made a few points about the policing, specifically the police department.

[02:35:34] I'm just noting here that I think there's some nuances there that I'd probably want to ask further questions about related to other properties of similar nature that I'd like to know answers too so I don't know when the best time to ask those are maybe I just get with you guys one-on-one and ask it but I'd suggest this building etc I'm just curious and they may have nuances as to for example the county office building as opposed to perhaps Sugar Hollow and and I'm not prepared to answer those today so I don't not the best place for me to ask it but I want to somewhere I'm going

[02:36:11] to ask it and just it's somebody on the side walk can tell me when when and how to do that i'll be happy i'll be happy to meet with you and find out what your questions are about what you thank you and they're just for understanding based on some commentary here um so you're not aware of from the

city did any study on the water it doesn't sound like we ever have done a study on the water and it doesn't sound like our wsa ever did a study on the water other than their opinion did they do an official study before they wrote the letter related to

[02:36:46] this issue? I would say no. In terms of looking over their minutes, they, you know, in terms of their operations, they do regular evaluation. So there was indication of that. But again, it wasn't specific to this particular issue. All right. Those are my questions. Thank you. Thank you.

[02:37:09] Supervisor Pruitt. Yes. First, I'd just like to, again, echo the observation from my colleague earlier that this was a very valuable presentation. It would be great if it could be included perhaps in the, Ms. Borgeson, if this could be included as one of the attachments, as like an attachment five to the agenda. And I'll say for the public, for those who aren't maybe as familiar with this, if you go to just Google Albemarle Board of Supervisors, scroll to the bottom of that page, there's a link that takes you to all of our online scheduled meetings. If you go to this day and hit agenda,

[02:37:45] It'll then show you the agenda with hyperlinks for each individual part of the agenda, which will then show you any kind of documents that are related to it. That is where this will hopefully be in the future, and also where additional supporting documents related to this are, because I know that there are plenty of people who aren't able to be here at, you know, 3.30 on a workday afternoon who might benefit from some of this material.

[02:38:09] And also, after this meeting, that is the same location that this will be recorded. I just wanted to observe that. I saw a lot of people taking photos, and to me that indicates that maybe we aren't communicating well how to get that material to your friends who might also benefit from this.

[02:38:25] So sorry to have a long question that wasn't directed at you to begin with. I'm from the mountains of South Carolina in the Blue Ridge District, where we have a lot of lakes, and none of them existed before the 50s. They're all created by Duke Power as hydroelectric facilities.

[02:38:46] I am aware that the current shape and nature of the reservoir is partially constructed, but I'm not clear if this lake exists at all, absent human intervention. And I know from our earliest image that you have in the late 1800s, there is water there.

[02:39:06] So this is a very basic question, and I'm asking you to be a natural historian when I know you're a lawyer, but do we know Does this exist but for human intervention? So I just have to qualify that I'm not an environmental expert.

[02:39:23] But in preparing the case and researching the case, we were able to pull the deeds in which the city of Charlottesville purchased this land, and it was a creek. And whether it had small dams or whether the city installed the dams at certain points in time, I can't answer that, but it was a creek.

[02:39:47] So the answer to your question is, I believe, no, it wouldn't be a lake absent human intervention. Thank you for that. And I'm sure these things change also based on weather patterns. I just want to acknowledge that. Not as a question, just as an acknowledgement.

[02:40:05] My understanding, if we can go back to the options kind of at-hand slide, just for rhetorical purposes. Here we go. I think we touched on this for option two, but I just kind of generally want to highlight the option one and option two are quite similar in many ways mechanically am I correct that as

far as the construction of trails we have no ability to exert any kind of control either proactively or restrictively we can't direct neutral trails be constructed nor can we restrict where trails

[02:40:45] would be built under both option one and two as a county it's a difficult question it depends on what impact or effect that those trails might have on on water quality keeping in mind the animating purpose behind what the county can do if there's if there's some rational relationship between the construction of the trails and the compromise of the of the water source

[02:41:17] a clean water source, then arguably, and that's kind of the standard, is can you have a fair argument as to whether the policy should be adopted, this board could conclude that because the trails are being constructive and compromised, the quality of the water source, that a restriction on the creation or the building of trails could be justified.

[02:41:44] This sounds like something that might be an additional ordinance if that was an authority we wanted to exercise and not something we can do administratively. Is that accurate? Or is that too tricky? It's not too tricky. I mean, hypothetically, if there's land disturbance and it's actually land disturbance and it's documented and it meets a certain threshold, then there could be erosion and sediment control issues that are rising.

[02:42:11] We're not aware of any, so I don't want to address that, but that's hypothetical and theoretical. Sure. I also, I want to make sure I'm not misunderstanding this. It does seem like from the history you provided, the first time that jogging and biking were expressly contemplated was quite late in the game.

[02:42:35] That they were expressly, I mean, I think the first time we saw those words were in the city's ordinance. Do I have that wrong? I think in 1997, the Ivy Creek Foundation identified bicycling in terms of their plan. They did limit it to foot travel.

[02:42:55] I don't remember, I'd have to go back and look, I don't recall if they identified jogging or running as an option. Sure. Or as something that should be avoided. But it would be fair to say, starting in the early 70s, we've had quite a lot of different restrictions and prohibitions that have changed at times.

[02:43:14] And it seems like it was quite recently that we really started actually engaging this particular issue. And currently, they're only prohibited under our own ordinance in the all things not otherwise addressed column.

[02:43:32] If I understand the question, the city of Charlottesville, their ordinance, as it was constructed and drafted and adopted, is very similar to the construct of the county's ordinance. And so they permit certain things, they prohibit identified things, but they also say if it's not expressly permitted, it's prohibited.

[02:43:54] And so even the animating purpose of behind their ordinance tracks the county's language. So they're very similar in terms of their construction. Yes. Thank you. I was actually, I was asking specifically about our ordinances, the Almaril County ordinances, that they've never actually explicitly identified biking or jogging as a prohibitive activity.

[02:44:16] They've only been prohibited under Albemarle County as a all other things not covered. You're correct. Whereas there have been times in our history where we've expressly prohibited a number of different activities, such as hunting, at times boating, at times picnicking.

[02:44:33] And it has never been contemplated. I think you're right. So the city's administrative regulation did have that dichotomy between permitted and unpermitted activities. And if I recall correctly, our 1981 ordinance, again, I have to go back and look, but I think that was a dichotomy also.

[02:44:55] I also do just want to make sure that I have this correct and kind of by asking a question, make a statement. My understanding is that option two, permitting additional activities, does have some degrees of variation in how we can choose to execute that, which could include permitting jogging but not biking. It could include permitting jogging, biking, but not horseback riding.

[02:45:22] It could include permitting jogging, riding, biking, but not dog walking, etc. Is that a correct assessment? Absolutely. I think those are all my questions. Thank you. Thank you. Thank you. I understand that most of the discussion has been about the city and the county, so I just want to make sure I've touched on the other players in this to see where they fit. I'll just give an example that I went to the Rivanna Authority's website and it says Rivanna Water and Security Authority owns the assets and leases the rights to the water so we can manage, monitor, treat the

[02:45:58] water in order to provide 24-7. We do not make recreational land use decisions. So that makes me think, you know, that certainly RWSA doesn't have anything in its authority about land use, but does it have authority over water use or is that simply manage, monitor, and treat and doesn't really have anything to do with restricting uses i have to jump into the um to the substance of the lease and i don't recall that it would be tough to say but my recollection is that um that the the body

[02:46:35] of water that they in fact do have control over that i mean whether could they prohibit the could they prohibit under the lease could they prohibit um kayaking or or rowboating i don't know i can't say exactly, but I would think that if those activities somehow compromised the water source, the quality of the water, then they would be able to do something. But I don't know for certain, so I don't want to go on that. It's okay, because it actually helps me with the second part of the question, which is, of course, understanding, absent winning the lawsuit, and I'm beginning to

[02:47:12] really realize, appreciate this discussion, because it makes me realize how important, incredibly important the lawsuit was, but under the lawsuit, if the city had really overstepped and tried to say, well, we're going to do, you know, allow all sorts of activities, they still had to, I guess the words were, you know, not affect the water quality in doing so. I mean, they still have to find that it doesn't affect the water quality or absent the lawsuit. I mean,

[02:47:42] And if we had lost, was the city then able to just exert the only, as the owner of the property, the only police power, the only power to regulate outside of county-wide ordinance?

[02:47:57] Right. I think the answer to your question is that the city, so this is by way of illustration, because part of the argument was that we're allowed, that the city was allowed under the Virginia Code to build trails and parks.

[02:48:14] And our response was that's a bit of a slippery slope in the sense that the authority to build the parks and the trails spoke to hiking trails, biking trails. It also spoke to ATV trails and motorbiking trails.

[02:48:30] So that's the way to illustrate that the answer to your question is, if we had not prevailed, then yes, the city would be open to be able to expand the recreational activities, perhaps to some things that would, and they wouldn't have to study whether it would be detrimental or not. what the parties or the localities would have to do and we would have the police power if we were to determine that it was

detrimental to the water quality or the water supply then the code does allow us to take action but if we weren't able to show that running atvs and four-wheelers was detrimental to the to to the public water supply and we had not prevailed

[02:49:09] then that would that could be going on that and i do want to say there was never any expression on the city's part to do ATVs or motorcycles. Right, I appreciate that. But, you know, lawyers do what lawyers do. And we said, well, if you prevail, you can.

[02:49:25] And we want to scare the judges. Right, right. Now, that's exactly where I was going with this. And I do appreciate that the city never was proposing that. Similarly, I mean, we've had this discussion here today. I just want to make clear again, I think several people have said it, that if there was a request by one of the speakers earlier that we only allow one trail, We don't have any authority to only allow one trail.

[02:49:49] The city, as long as what they're doing with those trails isn't somehow affecting the water quality, we don't have any, currently without option three, any right to say. And that's correct. They're allowed to do hiking and build hiking trails.

[02:50:04] So if it doesn't run afoul of any other regulation, building hiking trails is consistent. It does not contradict or in conflict with the county's ordinance. so they can build hiking trails right okay um if we could go back one more time to slide 11 only because of the i'm still trying to wrap my head around the ivy creek foundation so i said i was interested in trying to explore the different parties besides the city and the county here this is talking about a resolution to authorize a gift but and maybe it was on the previous slide

[02:50:42] But, you know, at some point in here, there is an Ivy Creek Foundation agreement to manage the property. And did that require ordinances by the city and the county to authorize that?

[02:50:58] How was that established, and how was it unestablished? I believe it was done. I can't recall if I had resolutions. I know from the county's point of view, from the county's perspective, I did have minutes documenting that the county did approve the plan.

[02:51:18] I also didn't include it in this presentation because it was somewhat cumulative. But we also, after the city and the county approved the plan, Ivy Creek Foundation then submitted essentially what was a final plan.

[02:51:34] and so that was a 1998 document and report okay I don't know I hope that answers your question I don't know that it does I think I need to see that but there was no ordinance there was no ordinance accepting the plan or identifying Ivy Creek Foundation as the manager of this property or anything like that it was if it was done it was done by resolution but votes were taken by city council and by the board of supervisors okay okay I don't know if RWSA voted to approve it

[02:52:07] it did appear in their minutes. Okay. Thank you. I guess it's pretty much all my questions. I make two other kind of question observations. One is that the Ravana website, which I alluded to earlier, also has a recreations page that you can link to, and it says hiking and running are

[02:52:42] permitted at the Ragged Mountain Reservoir and at Todeo Creek, but I guess they're really not, so that may be in need of attention it's still there i guess it's not running if two feet are on the ground at some point and and uh and more recently there there was some discussion about which properties and of course again this the parking area here is is along the road almost opposite holiday trails uh before you

actually enter the road that takes you up the hill to the reservoir but this county has correct me if i'm wrong the county's placed the sign on reservoir

[02:53:21] road but the sign that i saw i took a picture of it this morning is a half a mile or more back from this parking lot and others saying you know at the reservoir no biking and other things but it specifically says that which i think has led to some confusion by people because there's a sign that the county put up that there's no biking, but it's not where the prohibition starts. It's way back up the road before you've even gone all the way down the hill.

[02:53:50] So the two-acre, I don't know if that's called the lower parking lot or the upper parking lot, but the one that's near Holiday Trails, that two-acre parking lot, my understanding it adjoins, I guess they call it the Hayward Community Forest now. Yeah, it's part of the previously Hayward property.

[02:54:07] But it's not part of the reservoir property, so biking is permitted at that location. And the sign is actually on the, I think, Hayward Community Forest property as well. So that's just something to be aware of. I didn't know that the sign was there, and I don't know where it's located.

[02:54:23] Okay. I did not have other questions, but I do want to make sure to look to see if anyone has additional questions. But then I would open this up for, we have heard a lot. We may have comments. we may have discussion about three options and what way forward, whether we're ready for that at this point. At least I want to give the option for everybody to make that comment. So we'll go back through our order. And again, as the first person, I want to just make sure. So at this point, we can come back. Sure. But at this point, it would be advantageous for the board and the staff

[02:55:01] to know if we have a preference for one of these options. Is that what you're saying? I believe that it would help if we have a leaning or if we think we need even more information, but we certainly, I think, owe it to the people who have been here to at least give some sense of where we're at at this point.

[02:55:21] Sure. Even if we're not subtle. Sure. So, Rich, you probably should put the options back up. Twitch your nose again. Thank you. Thank you. So, at this point, I certainly am supportive of maintaining the status quo.

[02:55:39] I mean, that's where I am right now. If the powers that be determine that they want another option other than that, then I would probably have lots more questions and need lots more information. But I am comfortable right now with the status quo of where we are right now.

[02:55:58] Dragon Mountain is a reservoir, and I'm not going to go into a lot of comments, and I want to make sure that we protect our water. That is the intent, so I'm comfortable with status quo. Okay, thank you. Supervisor Malin?

[02:56:15] Yes, ditto, actually. The more I learn, the more I think the status quo is absolutely essential. And I think that what I have learned about certainly number two makes that absolutely a bad idea from my perspective only because future electeds in either jurisdiction may decide to do something totally different.

[02:56:46] And if we have already put additional activities in there and our partner jurisdiction decides to do something completely different than what we were understanding when we allowed those other things fully within their right, then we have no choice except to live with it.

[02:57:03] And the rate payers will then have the responsibility of having to spend greater money to get the water quality back to where it would have been if we had just had that status quo and used prevention of future damage as the main effort.

[02:57:22] So yes to number one, adamantly no to number two, and I'll stop right there for now. Supervisor Lupita Kirtland. I am, Lee, I'm more in favor of permit additional activities, but also city-county operational MOA.

[02:57:44] This is something that I think provides us an opportunity to work. I feel comfortable from what has been presented that the RWSA has control over the water, control over the water quality that I feel means everything to this community, i.e. protecting our water quality.

[02:58:03] And I feel comfortable that they have jurisdiction over that. They're going to make sure that the water quality is protected. What I don't know is because we're going back to 1975, things have changed. Different things have changed and agreements and everything.

[02:58:21] I personally would like to see what is possible. Does it make sense to have biking? I don't know. Will it create a problem for water quality? I don't know.

[02:58:36] Is there another option, maybe a two-loop option or something, that could permit both, keep hikers and bikers away from each other? I don't know. I mean, I just see this as an opportunity to work with the city, because that has been, I mean, we've gone through this lawsuit.

[02:58:56] Now we've won this lawsuit. And I'm not saying what to permit, what not to permit. But I think this is a good opportunity for us to move forward with the city and get their experts, our experts, to study to see if there are detrimental uses.

[02:59:17] There may not be. There may be. I don't know. But I would like those people in the know to be able to let us know that so that we can come up with maybe an MOU that will work. And I can't say what that's going to look like.

[02:59:34] i can't say what it would include um i would just like i once again i will reiterate i feel comfortable that our water source is protected are there other things that we could do that we want to do is to permit things i don't know we've got the rising waters from the rivana from the reservoir it's going to rise in a couple years that's going to change everything because there are hiking trails right around that that's going to wipe those out my I think we should kind of look at the whole thing and say is this something that needs to be revisited redone

[03:00:14] this is something we need to study to see yes it's worth it yes it's not worth it yes we can include this no we can't include this I think there could pop a compromise making sure that the water quality is protected that's number one that's where I'm actually coming from I'd like to see us have an MOA operational MOA discuss permitted additional activities but also do a study to see

[03:00:48] can we do something else I mean these these agreements go back so they didn't even have biking like you know mountain biking back in the 70s so things evolve things move do we want to go there. I don't know. But I would like the opportunity, frankly, to work with the city of Charlottesville to see what they have to say, to work with the disparate groups, to see what they have to say. Maybe it'll work, maybe it won't work. But that's where I'm coming from.

[03:01:22] Supervisor Gallup. Well, I'm glad we're not taking action today, because if I had to vote today, then I would, I think I'd be voting without the proper information to make an informed decision. And that would have pointed me to option one to maintain with the history and the information that is there and past actions by both jurisdictions and really problematic process, even from another jurisdiction that was advised that the ordinance may be in conflict.

[03:01:57] We are used to making decisions. I'm used to receiving information that allows us to clearly say yes or no to something and not leave it up to anecdotal or just opinion almost. I'm a little befuddled that the only thing that could be pointed at as a study is an opinion letter from RWSA.

[03:02:24] And some may debate the authority of the RWSA. I've heard both sides of that argument. But it seems that we're in an area where detriment to water supply is something that's probably been studied before, probably has some things on it, and that's information that I wouldn't have expected legal to bring forward.

[03:02:44] I was wondering if it had been done historically to lead to these type of things but I mean that seems to be the critical piece of information it either does or it doesn't I'm I'm never going to go all in on MOAs I've seen too often how that I mean just getting city street sweepers over into our county and what can happen when things staffing goes haywire can change annual MOAs so to me this has to be you know this this is a decision that if the permitted additional

[03:03:21] activities were allowed that I have to be confident that I have no say over how those activities are programmed but for the line that says if it impacts water quality and I don't know what that line is so that's where I'm at Supervisor Pruitt thank you so I want to just say from the jump that I am broadly in favor, I'm strongly in favor, not broadly in favor, of option three

[03:03:55] to work to develop an MOA with the goal of getting to a position where we are able to have some biking and jogging use of the current area, that we are able to de-conflict those uses with people who only want to hike, and that we are able to thoughtfully constrain and delegate where trails will be now and in the future for both of those uses all three of those things I don't think we can adequately do with the current toolkit that we have and so with that on the table is kind of

[03:04:31] how I feel about this I want to kind of slightly articulate my position first like the two kind of principles with which I approach this and then some of the arguments I might make in this particular circumstance so as a principle you know I'm a jogger and I'm a dog walker and so I say that to say that I am not inherently particularly fond of biking, right? Those are things I understand how it is you have an inherent, oh, I don't like passing them on the trail, or oh, they can spook me. They can spook my dog. My dog wants to investigate them. I get that argument. I will

[03:05:09] also say I've lived here for a while now. I've walked my dog. I've jogged on a lot of these trails, including I've jogged on Ragged Mountain. And we do have a very good community that does not really realize the worst part of those fears. And I would also say as a second part of like my governing philosophy on this, I think our natural heritage has public value when the public has a way to experience it. And I'm very thoughtful and concerned when I hear the language of conservation

[03:05:43] being realized as a way to constrain enjoyment and access to a resource to limit it to some and not limit it to others so that is kind of a first principle by which I approach this so from that I would say like argumentatively like actually turning that into a point um I do think the system and the the position the

posture for which we would currently do any enforcement i want to recognize how every part of this is so inherently combative right right now we have broken people into two

[03:06:18] interest groups who are arguing against each other we've broken the board in some ways into interest groups who are arguing against each other. And we've heard, I believe Chair Andrews alluded to this, but there's actual friction on the ground level. And frankly, throughout our history, both as has been described here with the city, but also with the city's residents, our government has not always had a strong relationship. I don't think it is helpful to have a scenario where we are continuing to engender conflict between groups in our community,

[03:06:53] between groups on board between this community and another community i do think perhaps a little pollyanna and optimistically that we have an opportunity to actually have collaboration between different stakeholders through the moa process by bringing people to the table actually doing the getting to yes exercise of figuring out what can actually be done to satisfy different multiple stakeholders. I would also say, and I realize this is still maybe somewhat in contention, I don't think there's a compelling argument to be made that the reservoir as a water source itself

[03:07:31] is threatened by the activities that are proposed. I understand that the closest thing we have to a specific study on this specific question is the opinion letter, which has been issued twice and was quite decisive, but is an opinion letter. But what we do have are use studies, because I think we can all freely agree that there's been ongoing use of the type that we have now prohibited for the past eight years. People have been mountain biking there for the past eight years. People have been jogging there for the past eight years. And nothing has sounded the alarm bells currently.

[03:08:05] From everything I've heard talking with experts, we just had a day full of rain. That is going to significantly impact what they are doing on the ground and the filtration and set up more than any amount of mountain biking is likely to. That is going to make them have to do significant filtration much more so than this. And that is going to happen regardless of what we try and legislate. We can't legislate the rain. I've also heard people make the point that filtration and prevention are different things. That is true. I also don't see how it bears on this question

[03:08:39] because either way they're filtering it and either way it's not enough to actually implicate any kind of concern or desire. So I appreciate that those are different. I don't know that it matters that they're different. I am very sympathetic to the ecological precarity and our desire to preserve biodiversity in this region. So I want to just say I'm listening very closely when people raise these concerns. I do want to also recall as first principle that nature is a construct, right? We are describing this as a natural area. It is a man-made area,

[03:09:18] Fundamentally, the environment is an artificial man-made biome that was a creek, but for human intervention. I think that's an important thing to recall. That being said, there's still important ecosystems that have developed in there that have developed that we should be protecting.

[03:09:37] So I'm sensitive to that. Bikes are not intrinsically damaging. The argument that I understand is being made is that they are likely to spur additional trail development and that they might increase the total number of people who are coming to enjoy this area in a way that the increased personnel in the area is going to result in some kind of environmental degradation.

[03:10:01] I want to say that second one actually is basically acknowledging that we're reducing the number of people who will be enjoying this community or this area if we restrict this. The other thing is, that leads into my second point, though, or my next point, which is I don't know that we can actually control effectively the main tool by which it is suggested that bikes might harm the area more, which is it seems quite clear to me that it is a little challenging for us to exert much control over new trail development.

[03:10:38] There are methods to exert control over new trail development if it is for the purpose of biking and it is disturbing. It seems like we have a very limited toolkit of how we can affect new trail development for hiking purposes, meaning what I'm interpreting from this is if they want, Charlottesville has the ability to carve up a lot of that mountain, that whole caldera, for hiking trails, for whatever kind of intrusive use that they want, unless we are able to insert ourselves in some way into that governing process.

[03:11:13] we have a very limited toolkit for what we can do otherwise to actually advance any environmental protection desires that we have. The best way I see for us to be able to actually assert some control over environmental protection in this area is going to be they're actually working together for an MOA and trying to actually insert some kind of formal agreement that is going to control what that looks like moving forward. I also do just want to say there's a lot of talk about biking. I want to just make sure everyone is aware that the status quo

[03:11:50] means you can also not run there. That is something that I think has been really lost in the sauce. And frankly, I think everyone in this room knows it now. I'm not sure everyone in the public knows now that if we are enforcing this, we're preventing people from running on Ragged Mountain.

[03:12:08] I think that's a hard line to draw. That's inviting more friction of determining who's running and who's jogging. We even just, we literally just joked about how it's not always clear who's jogging and who's running do both have to be on the ground it's a challenging enforcement question i'm worried that when this becomes more commonly known to the public we're kind of inviting a second round of public discontent as it starts to become something that is realized on the ground um and again we have a major community asset that is literally called ragged mountain running and i think it is it is almost baffling to think that we are going

[03:12:48] to not allow running on ragged mountain i don't fully understand what even the argument against running and jogging on this mountain are currently other than water protection i think that's i i find that not particularly defensible from a water protection standpoint um i think realistically what we should be trying to do is optimize the ability for the public to enjoy these resources we think about this with our parks we think about this when we plan any kind of new development when we're talking about roads i think it is prudent while this is first and foremost a reservoir for

[03:13:27] us to be thinking we are also recognizing i think everyone agrees that is a resource that goes beyond being a reservoir so i think it is prudent that we be thinking about how to optimize and enhance who is able to benefit and enjoy this resource and i don't hear many people arguing that there will be a greater number of total people who are trying to enjoy this resource if hiking is the only option people can still hike under any of these circumstances up here but people can only

[03:14:04] bike realistically in one and a half of them right um i think we should recognize that we are fundamentally saying that we are comfortable reducing the total number of people who are able to use and benefit from this resource potentially make it beneficial to a less diverse or a narrower band of the

community we need to be able to acknowledge and protect community assets and amenities that we might otherwise overlook that we might otherwise take for granted and that we might not pay for i think something that i've learned during this whole process over the last

[03:14:41] few months is that we have a really robust mountain biking community something i frankly didn't understand the degree and gravity of it we have award-winning school mountain biking teams we have people who have in retirement taken up mountain biking we've got an email from one person who can't who is not able to hike comfortably and certainly can't jog because of uh joint pain and impact stress because of their old age but they can mountain bike and they can mountain bike specifically on the easy trails and what's been made clear to me is that ragged mountain is a uniquely easy trail suitable for young people and for older people who want to

[03:15:19] learn for the first time. I don't like the idea of just throwing that out. And lastly, I apologize for going so long. I made a lot of notes before I realized that we were going to be a little brief in this, so my apologies. I've heard some people who have expressed concern that we're revisiting a settled issue. I find that a little... I find issues with that argument. First, I think the idea that you can't revisit a settled issue is kind of problematic intrinsically. That's saying that you are embracing the idea of dead-hand guidance on all policy-making decisions, which isn't how

[03:15:56] we function. I would also note that I don't know that this has ever been, and this is kind of what I was trying to get at, this is something that we have not expressly contemplated by ordinances at any point in our history. This is what we might call an issue of first impression for this board. I think this is a very prudent time to be talking about it. I don't see it as somehow bearing or betraying what we fought for in our lawsuit. I think our position in the lawsuit was quite right, and I'm glad it has been settled. I think it's important to understand that

[03:16:34] we actually do have lawmaking authority in the county of Albemarle, and I'm glad that we've settled that. Thank you. And I think this is the natural next step for that. So yeah, sorry I took so many notes. I thought we were going to have it out a little bit more. Appreciate that. I need to try to help summarize, but I'm going to give my views kind of before doing that. I have some unique perspectives on this in the sense that no one's really mentioned up to now the fact that while we're perhaps worried about bicycle affecting water quality, this is a reservoir that has

[03:17:13] interstate 64 actually cutting through the middle of it not the middle but at least one end and as it let water level rises there'll be actually more and more of the reservoir on the south side of interstate 64 which is an area that very very very few people ever visit to see what plant life is there the only accessible ways in are through properties off of 29 south and poorhouse road and I guess I can't speak from experience because I have been there that there are kind of the same invasives on both sides carried by birds, carried by erosion

[03:17:52] from storms from different places and certainly do agree that storms and birds carrying invasives and wind and things like that are moving these things and if we're going to do something we need to do something together as humans to try to combat the invasives rather than just hope that if we don't touch it, it'll be fine.

[03:18:15] Because if you don't touch it, it's not likely to be fine. It's already getting worse over the years. So to follow up on your comment, yeah, I don't think that this is an issue that has already been discussed. What was discussed was whose ordinances were controlling.

[03:18:33] Now that that lawsuit is settled, I think we have a new issue. The county can allow or not allow activities, but it can't regulate or manage them. The city and the county before the lawsuit, the city has now acknowledged that additional activities can only be allowed if the county authorizes them.

[03:18:49] But the county knows that only through an agreement with the city can have any say in how they're managed. And so I'm clearly in favor of option three. I really particularly support initiating a dialogue informed by expert opinion with the help of the Citizen Advisory Committee, members who can well represent ecology as well as recreational users and people who are concerned about the conflict between bikers and walkers, whether they can coexist on the same trail.

[03:19:25] I was actually out at Dragon Mountain Saturday. It was a beautiful day. I walked for quite a ways with my wife and son. We, during our entire time out there over an hour, saw six other people coming the opposite way.

[03:19:41] Three of them were running, and three of them were walking. None of them were biking. So I don't think this provides any immediate gratification for people to suggest that we enter into these discussions, that we get together with some citizen advisory committee that's made up of different interests.

[03:20:01] But I think that these people would have the best interest of our community collectively at heart. And in some ways it absolves me and helps us to handle the issue of, well, yeah, how many trails should be closed? How many new trails could possibly be opened?

[03:20:18] What is the effect of adding 12 additional feet of water in just another couple of years? Some of these things, you know, would be, I think, well-suited to a much broader discussion among people who are willing to do that.

[03:20:35] That said, I understand that option three is an investment of time and resources. So that's where I'm at. I will stop there, but I want to see if I can summarize.

[03:20:53] I'm having trouble because I've heard two people I believe said maintain the status quo no need to get together with a advisory group and discuss uh what's available and I would say that because that's that's my preference okay because I've been watching the river and south ravanna silt in now that is a one of our water sources that is now going it's going away and I really am more interested in preservation rather than restoration. When we get to restoration,

[03:21:32] the people that are going to be paying for the restoration is the people that are on public water. And I'm very concerned about restoration in the future when I'll be pushing up daisies. Then I'll talk about my pushing up daisies. But I'm always more interested in water supply preservation rather than restoration. Now, that may be another issue because we're talking about, well, we don't really know whether or not the biking. Having said that, my preference, you're correct, right now is maintaining status quo. And while I think I've heard three people

[03:22:10] clearly in favor of option three, I have to turn to Supervisor Galloway and ask again because I heard you say you don't like MOAs. I'm not counting on the MOA. Okay. I'm not. The process that leads up to what maybe could be an MOA is one thing, but MOAs really don't mean anything until they first expire, and then you have a whole other MOA process. And we've learned this. I've seen it.

[03:22:35] So I can't, I'm not basing this decision on the fact that an MOA can be counted on. I'm just not. so it seems to me that understanding the line of the water quality or the detriment to the water supply is an important one for two reasons one whether or not this activity is really impacting it or not but then two if we allowed it and permitted the activity when do we know how to go in and enforce and go you're impacting the water supply we don't know what the line is so it's like if i if i don't allow the activity i don't know if i'm disallowing an activity that

[03:23:13] really has no impact. But then if I allow the activity, how do I say when it impacts the water supply? So that leads me to, you know, I appreciate you've talked to experts. I haven't seen any experts on this anywhere in this whole process. And that is a little baffling. We have more expertise on things that come to us on a more regular basis that if we were, if this was us starting out on this ordinance to create this ordinance, like if we were, oh, we're going to create an ordinance around our reservoir. This didn't exist yet. I guarantee you we would have

[03:23:50] that level of expertise there to be able to make the decision. So that's why I'm hearing you say like, citizen advisory committee, okay, I mean, I think we're getting the citizen input and what we need and have heard where we're at there, but do we have the expertise to say what is or isn't detrimental so that we can make a decision that's appropriate? And whether that's an enforcing decision or an allowance of an activity decision it seems to be pertinent to both i i'm with all due respect i'm not taking anybody's opinion on this it's i don't take it i don't take it when we

[03:24:29] do land use decisions when applications that come to us for rezonings right there are legitimate studies that we've all agreed on that are the basis for those decisions and i haven't seen that there's a lot of well i say so and that that's not a basis for making a sound enforcement decision or a sound ordinance decision, in my opinion.

[03:24:50] And with all due respect, that's why I, without any expert opinion, that's why I have to default to the first bullet, because I'm always going to default to protection. No, I'm not debating anybody's point here, but it seems like folks have staked out some turf, which is fine where they're at, and I'm telling you that I don't, I'm still, you know, I'd like a little bit more substance here to be able to say yes or no to anything, Other than just saying, give in to whatever.

[03:25:28] So that's, I wouldn't be opposed to having those studies done so that I know it clearly, like, well, all right, if we permitted the activity, when can we say that it's been violated? If we're going to permit an activity, well, then this is why we would be permitting that other than just six opinions on the matter.

[03:25:51] And clearly some of you are there, and I'd love to see what you're reading or doing other than opinion, but I need more than that. And more might help Ann and myself. Maybe I'm wrong.

[03:26:07] And more might help Ann and myself and where we are right now. I don't know. Supervisor LePistro, certainly. I agree with that. I mean, I've stated in what I said that we need more information. We need a study. Do we know this is going to impact?

[03:26:23] Do we not know? I would like to get more information from the experts to see what is possible and what they think. So I'm agreeing. I mean, I would love to see us, frankly, invest in whatever we need to do to have some kind of a study so that we can make a better decision, because like Supervisor McKeel said, that might influence the way we all, she thinks, Supervisor Malik thinks, the way we all think.

[03:26:58] But we just need some more information because we all agree, I do believe, that water preservation is number one. Okay. So what are the effects of that? What will happen if we do A, B, or C regarding additional activities or not additional activities? What does the future look like? What of the plans let let's get some more information in detail from the experts so we can make a more informed decision I would like to be able to do that I would agree with doing that that was the

[03:27:35] reason that I hope somebody wrote down all the questions that I left on the table because those are all things that I think we have to among many others that other people have the sense of information that has to happen we don't even know which trails if any are going to be submerged because there's also an argument about looking at the maps and finding out what that is going to be.

[03:27:57] So in many ways, there's no reason to forge ahead with making any changes, certainly not number two, without knowing what the water edge is going to really look like. And we don't even know where the trails are now, right now. I mean, they've been...

[03:28:13] So I think one thing I just wanted to add to the discussion is everything is connected. Water supply is connected to the whole ecology there. It's not just what's at the water's edge, but everything uphill from it. Whether that has good forest cover and that slows the velocity of the rain and prevents the erosion, all those kinds of things are interconnected.

[03:28:38] So that's sort of my background, is understanding the power of water and the damage it can cause and what I have to deal with on a daily basis at home for 50 years. So that's why I'm being very, very cautious.

[03:28:55] I would like to certainly know, I mean, there are many, many things we will need as a group to discuss as far as who, I mean, someone who has, is a self-proclaimed expert on something is not the person I want to put in charge of something that can't be changed ever afterwards.

[03:29:12] This is a, as someone said, how do we discover damage is happening, you know, and then what do we use to stop it? There's a whole other litigation type of activity.

[03:29:29] So that's why I want to be very careful. So number one, with fallback, an absolute no for number two, and looking for more information is where I am if you're still asking about that. Yes, if I may, Mr. Chair.

[03:29:47] Two things. First, I would suggest we do have the benefit of having a natural experiment to draw on as a data source. I don't have that data in front of me, but we have a period during which no one was biking, and we have a period during which it is understood that people were routinely biking on this trail.

[03:30:10] I'm sure RWSA has particulate filtration data on this. They have some kind of data that they are able to produce. I'm curious if the board is broadly in agreement that that would fit the bill, as in data on comparative use, comparative filtration done by RWSA, if that was made available.

[03:30:35] in my opinion, that alone would be too many confounding factors because we've had 100-year storms and things like that and the raising level of the water from before. And not that I think that a study by an expert opinion isn't possible. I think it is possible. I just don't think it'll come directly from just this one experience. And that said, I want to just defend the community advisory committee, if you will, as not

people who have just expressed their opinions to us and walked away, but people who are charged to get in the room, close the door, listen

[03:31:10] to each other, and try to come to an understanding together as to what the competing interests are and what can be done, perhaps what research needs to be done, what information they need to be able to find a compromise, if there is a compromise available, not just grab five people and say, we just want your opinion and nobody else's.

[03:31:32] These have to be people who would be willing to work together on this. Now, that said, I want to ask the county attorney, the MOA, if we have an agreement with the city that basically allows something, and this would be after a lot of difficult consideration of what the competing interests are and maybe researching a lot of things.

[03:31:57] If we had an agreement and it provided that the parties could go back to the status quo if they felt that it wasn't providing the protections, does that somehow make it so it couldn't work as an agreement?

[03:32:14] Is that incompatible with having an agreement to be able to say, yeah, we have an agreement, we're going to go forward this way, but we reserve the right that if we find that it's not working, that we have to then restrict activity. I think we could, um, I think that could be accommodated in an agreement. Um, there are some complexities if they require, um, if the agreement, just by entering into the agreement requires, um, that there be ordinance changes. Oh, entering it. So if you have the agreement that says we decide to go back to pre whatever pre-agreement status, but there's been changes to the ordinance

[03:32:52] that kind of complicates things. Um, but you could put that provision in there. I think it's probably no different than the agreement we reached with the city that says they've agreed to repeal portions of their ordinance within six months. So that could be accommodated. I don't know exactly how it would look right now, but I think it could be structured. Thank you. And they'd have to agree to it. So, of course, which isn't a conclusion. I've had conversations with the mayor. Look,

[03:33:29] and maybe I was being a little flip on just on what, because I haven't had the, you know, if this is going to be a study along the lines of what we have received in the past to make decisions, I wouldn't be opposed to that as a process. But it's not going to be, I've talked to experts. I mean, I'm picking on Mike a little bit because he said that, but it can't be that.

[03:33:57] Then I think the next question, if I understand this, is whether and what sort of resources and obligations and commitments would be required of the county to have someone and staff undertake either either we have to find a consultant who can do a study or we have to undertake a research project uh in-house which is sounds time consuming um and if the county executive could just help me understand my if we know what's involved if we don't we can come back and visit again

[03:34:31] at some point. I think that what I would suggest, what I hear the board saying is I hear the board saying that you would be open to some type of expert review that would involve environmental assessment of the property to determine if there is going to be permitted additional activities on the property. You want more assurance of what the current state is and how the additional

[03:35:06] permitted additional activities would affect the water quality and the property that surrounds Ragged Mountain Reservoir, that you want additional expertise that would help inform you if you want to move forward with a discussion with the city. That's what I hear the board saying. Mr. Chair, does that

resonate? I think so. There are three issues that have been raised in objection to additional activities. One is water quality. The second is biodiversity

[03:35:43] and protection of the nature in that area, the ecology of that area. And what you just described addresses both, which I think is prudent and in some sense much more important than just doing one of them. Of course, the third area is just the inherent conflict between people don't want bike flying past them while they're walking. And that is a different issue entirely, in my opinion.

[03:36:12] So, Mr. Chair, I just want to make sure, especially having heard Mr. Richardson kind of articulate his understanding of it. I want to just clarify, I'm understanding that we're looking at potentially, depending on what the outcomes of the first part is, we're looking at two-part step that has commitment that would potentially involve commitments from the county of both intervals first the completion of an environmental and water quality study by qualified experts followed by the inclusion of

[03:36:50] additional stakeholders for actually formation of rules and governing structures and de-conflicting other things is that a fair character that is what I was understanding from what we were discussing and we would basically have a decision point in between those two things of whether to continue. Both of those implicate county staff.

[03:37:11] We don't have four supervisors who are saying let's put a committee together and work on an MOA. Not yet. But we probably do have four or more supervisors who are interested in learning more about the science of water quality and biodiversity at this location and I think that the study will probably have to involve other locations as well in the sense that instead of just focused on you know obviously the biodiversity is the biodiversity here but the the impacts of the activity may

[03:37:45] require understanding other studies where those kind of activities have been carefully done as a before and after yeah and i want to make sure with with mr richardson if there is a study and they just focus on Ragged Mountain, the reservoir, regarding quality of water, without really knowing that maybe higher up is the potential for other activities, and maybe closer to Ragged Mountain, the trail that is there now might be underwater, and there might be another trail

[03:38:23] constructed just for walkers. I mean, I think the study also, the people doing that need to understand that what if if other uses are thought of would they need to be way higher up way away limited in scope i mean i think that's important because let's face it if you if you if you have a just a walking trail around bragged mountain and then that's probably not going to have an impact but if you have any kind of other trails uh that might have an impact i think it's important for

[03:38:59] them to realize that the other thing is when you do have trails remember mother nature i mean there could be huge flooding that impacts the water too but i mean that's all going to be part of the study but i just want to make sure they're not just focusing on what is there now but maybe for example if i'll give you an example let's say we said okay horseback riding and it's going to be near the water okay boom boom boom boom boom boom the study needs to realize that

[03:39:33] hey there's a trail really close to the water that's going to be horseback riding i mean if they don't am i making it i don't know if i'm making it clear or not but um we we yeah we certainly maybe i'm ahead of my skis here the study's done it takes into account the local circumstances and respects the fact that we have this property there could be trails at different locations that would have different kinds of

impacts. I certainly am going to say that I read the Ragged Mountain Natural Area 2016 Ecosystem Survey, which does suggest in some places,

[03:40:08] but again, without clear scientific sites that tell me where it comes from, that if trails higher up, it's actually worse. Oh, okay. It's important to know. Because everything's going to flow downhill. Right. And it takes more with it. Yeah. But a lot of that has to do with local terrain, other factors I guess I would offer that perhaps the consideration of trails be a second stage that the first what I heard described determinative additional activities of any sort how changes would impact water quality and the property surrounding it is different than where

[03:40:46] the trails are going to be I don't want to cloud that first study that was described by the county executive with an expectation that they have to solve the trail issue I think they're separable issues just as the user conflict is a separate issue if we there's been a lot of discussion about it right but it's not the water quality so I'm just trying to be as clear as possible for my own brainpower here to get this written down perfectly that's all it seems like you have several steps and get the step then you go to the next step if you want to the next step and I would envision us

[03:41:21] having reports to the extent that they're available but not necessarily actions until we get much further along if the reports give the kind of information that's amenable to any change. Am I correct in understanding that you will first gather some process information first and talk to us about that as a group? Yeah, I mean, you may have to come back and say this is what the resources are that are involved in doing this.

[03:41:50] Don't talk over what's needed. Mr. Chair, if I could just have one additional just comment kind of following from what Supervisor Malik was saying, I would just note that, frankly, regardless of what the consensus we reach after any environmental study is, even if this Board does not want to proceed with expanding the permitted uses, I would still personally be interested in concerns taken seriously, but notwithstanding, I would still personally be interested in exploring some kind of operational MOA with the express purpose of trying to assert more

[03:42:28] direct control over what future trailblazing should look like um which i don't think we have a solid hand on the ball currently right like when i'm saying that i'm concerned that our lack of ability to control trailblazing and trail formation challenges biodiversity that that's not just rhetorical that's something i would like to see dealt with regardless um so i just want to state that for the record understanding that it's far in advance i agree with you that the moa almost needed to ensure that the trails aren't uh everywhere but that's assuming that we have any expectation the city would want to do that um mr richardson do you think there's any chance

[03:43:07] because i think charlottesville has a um would be just as interested in we are that they may want to help also fund this study just throwing that out so so board here's what i would suggest you have um you you have at the beginning of your meeting you reformatted your agenda and and i'm next on the agenda to do the county executive's report i think it's about 15 minutes i would suggest that um that if it this is an option for the board to consider mr rosenberg may also have a different option that's better than this that i finish that that that that you you are not

[03:43:47] you're not at a point where you've given me final direction yet let me do the county executive's report adjourn at five and the board take dinner i will meet with staff at five at as soon as we adjourn we'll meet with staff between five and six and we'll come back at six and i will have been able to meet with mr

deloria mr rosenberg and also staff and we will come back with what we think could be a recommendation on an environmental assessment of the property as what a recommended step one would be for this board to consider because what i hear right now is i hear three

[03:44:25] board members who have said i would be interested in moving forward with a city county operational moa which then then if that if you had four votes you direct me to go with staff to visit with city to talk about what that looks like you don't have four votes to do that tonight what i do here is that you have four votes to consider an environmental assessment of the property and hear more science on uh impacts of the activities i'd like to have an opportunity to meet with staff to talk about what that might look like as we move forward i don't envision it being an in-house study

[03:45:00] and jim i would suggest that i'm happy to give them more time than just an hour to yeah no i i don't think that has to be done at six well to talk between five and six and come back to us i'd be happy for you to come back to us at the next meeting and tell us what your thoughts are and what how what i mean i just don't think but i do agree that it's probably time to move on i agree about moving on and i've gotten some affirmation from staff that they would certainly appreciate more time yeah to think through how we approach an outside consultant study steve you and richie

[03:45:36] put a lot of time into today do you have anything that's separate than what we've talked about okay so so i've heard the board i've heard your interest and i think that uh certainly miss wall She supervises staff both in FES, community development.

[03:45:56] I'm on the RWSA board. We can be prepared to come back at a board meeting in the near future to come back with what we would have, a well-thought-out recommendation for what would be some environmental assessment work to give the board additional information.

[03:46:15] And I would like you to make sure that when you come back, you feel like you've had enough time to prepare that information for us appropriately. I just don't think there's a... There's not a time deadline. There's not a time deadline, right? Because we want to be careful and thoughtful about this, is all I'm saying. Is that the direction of the board?

[03:46:34] Does it need not be done by 6? Yeah. That's right. That's correct. Okay. We're good. Thank you. Okay. That's the direction of the board. I informed the chair I need to step away to pick up a family member. Oh, okay. Should we ask whether we amend the agenda to go back to the original schedule?

[03:46:58] Oh, because we adjusted the menu. The agenda to move the matters. I think in the original action, you left open the possibility, Mr. Chair, that as the meeting unfolded, that a different order may be appropriate.

[03:47:21] So I think if you just look to your colleagues on the dais and get their assent to defer the county executive's report to its original spot on the agenda, I think you're good to go.

[03:47:38] We have a pretty light tonight. So we will recess until 6 p.m. And Jeff, you all can have dinner. Thank you. Yeah. Thank you. And everybody look.

[04:58:06] but whatever. I just confuse it a little bit to reverse it. It just makes life interesting. We're live. If anybody's listening. Good evening. Welcome. We're coming back to order from a recess, so there are no motions at this point. I think we're at item 12, a report from the county executive. Mr. Richardson,

welcome. Yes, sir. Chair Andrews and members of the board, Abby Stump will help me cue this up for this evening's presentation. I'd like to recognize

[04:58:45] Abby for the board in her elevated role with the county she is working more closely with the county executive's office moving forward and she and her team do an excellent job working with departments and board we always appreciate the opportunity to be in front of you to share some of the work that's going on across the county okay we'll get started so this is albemarle county public safety staff recognized for peacekeeping five acpd our police department officers and two fire rescue members were recognized this past weekend by uva's frank batten school of leadership and public

[04:59:19] policy as exceptional peacekeepers and first responders in our community an event was held to honor the awardees with speakers discussing the role of peacekeepers and celebrating those who exceed expectations our police department awardees include captain kevin miller detective Mike Wells, Officer Brian Miller, Officer Kelly Goforth Adams, and Sergeant George Vieira.

[04:59:44] Fire Department awardees include Firefighter Suzanne Herndon and Assistant Fire Marshal Sean Maddox. And so I really appreciate this recognition and the work here locally with the Batten School of Leadership at UVA. Thank you. I wanted to highlight some Office of Emergency Management training that occurred recently at Yancey Community Center.

[05:00:08] Our Office of Emergency Management organized a training for local volunteers and the American Red Cross to make the Yancey Community Center an official disaster relief site. These efforts improve our community's ability to be ready and prepared to respond to emergencies in that part of the county.

[05:00:29] Day of the Young Child. Bright Stars recently organized the Day of the Young Child to celebrate children, to support their development, and recognize the importance of early childhood education. fire rescue recruits attended the event to interact with the students and learn about community engagement board you know what this means this picture denotes that we are getting ready for full summer swim schedule swimming beaches are fully staffed and they will operate a full schedule this summer beaches will open the weekend of may 25 through 27 and june 1 and 2

[05:01:05] after that seven days a week beginning on june 8 from 10 in the morning till 6 in the afternoon This is a testament of the staff's ongoing recruitment efforts over the past couple of years to hire and train lifeguards, despite a local and national shortage on lifeguards across the nation.

[05:01:24] Canoes, kayaks, and paddle boards will be available for rent during the swimming hours. And for members of the public, we do have a storyboard that's outside the door that really describes a lot of the services that our county provides. And one is visitors to our parks and the use of our swimming and beaches.

[05:01:44] And so I hope you'll take a look at that storyboard if you leave tonight. And remember to take a look at it. We do have a lot of interesting parks and recreation data that speaks to the vibrancy of our parks and how much our parks are used. Okay? Our Information Technology Department launches our AI policy and training.

[05:02:06] The use of generative artificial intelligence is quickly growing across our society. information technology has focused on the security of county resources and data with the staff's use of AI. To verify that county employees have proper understanding of the pros and cons of using general gen AI, our IT

department developed guidance via policy and training. Once our staff completes the training, then they generate text, images, videos, and other data using generative AI, which provide expanded efficiencies. And board, the training's real. I mean, we have to go in, we have to sign up. It's tracked. It's expected that we go through the training. And all of this

[05:02:45] is a part of our cybersecurity work that we're doing on a regular basis with Roderick Burton and his staff's leadership at Information Technology. Okay. E-billing update, tax bill design. For this upcoming billing cycle, board and members of the public, finance and budget revamped the tax bill layouts and introduced digital billing to align with customer expectations.

[05:03:12] Staff conducted a design review to assess how people were viewing their bills. From there, a new design was developed that would allow individuals to more easily find the information they need on their bill. The new design will not only assist taxpayers with the information they need, but it also anticipated to reduce 15,000 phone calls that we receive per billing cycle.

[05:03:33] Also, to improve the customer service, digital billing will now be available for our taxpayers looking for a paperless option. for real estate personal property and business tax bills as at last Friday's picnic I spoke with Jennifer Matheny and they've got internal goals of how many citizens they want to they want to sign up for e-billing in this next year and board it's gonna be interesting for us to track this as part of our savings strategy for next year to see how much money we save by introducing e-billing and the reduction on postal charges to our customers in Albemarle County.

[05:04:13] And just the lack of receiving them in the mail. Yes, ma'am. The issues associated with what this board has talked about since prior to the pandemic with the challenges with our U.S. Postal Service delivery.

[05:04:29] Okay. Upcoming event, Bike Month event at Crozet Elementary School, May the 20th, As part of Bike Month, county staff, including our police department's bike team, will be at Crozet Elementary School with e-bike demonstrations and a kid's bike rodeo that's coming up on May the 20th.

[05:04:48] This is a public information officer meet-and-greet, communications and public engagement staff, CAPE, hosted a meet-and-greet with local communication professionals to establish stronger relationships for cross-promotional opportunities, and also to be ready in the event of a community-wide emergency.

[05:05:12] Individuals shared what they loved and are excited about in their jobs, ways that they could build a more connected communications network. Attendees that are shown here include members from VDOT, UVA Health, UVA Safety and Security Department, Sentara Hospital, CAT, Emergency Communications Center, Ravana Authorities.

[05:05:33] This is the first of what's anticipated to be a quarterly series of connections that, for you know, it just gets us stronger with knowing who to call, who's got the cell phone of who to call at what organization during emergency events.

[05:05:48] That's key for us. Okay? This is the introduction of the new county wordmark. Earlier this year, our organization embarked on a project to develop and design an Albemarle County wordmark through focus groups, surveys, iterative design processes involving departments, organizational leaders. We launched a wordmark that reflects the essence of what we are and where we're headed. This is expanding our brand with a wordmark that enables the county to be more approachable to our community with a

clean and easy to read identification wordmark. It's crucial for effective communication, engagement, and delivery service. Our county seal is not

[05:06:27] being replaced or not being altered in any way. This is an expansion of our brand kit with guidelines on how and when to use the seal and when to use the word mark. The word mark will be introduced to the community this week. Board, thank you for your support last week during Public Service Recognition Week. It was Staff Appreciation Week. It was led internally by Elizabeth Ladder Brother, India Paige, and Aki Parker. Staff that worked closely with the County Executive's

[05:07:03] offices and staff from throughout the organization. They pitched in to celebrate how Almar County employees could enjoy our public service recognition week. Highlights included fan mail that employees could send to colleagues to express appreciation. We had popcorn socials at each building and it encouraged connections across departments. We also wrapped up Friday with an employee appreciation picnic at Darden Tao. For the board members who were able to participate and be a part of this we appreciate it very much the red shirts were the staff the staff support

[05:07:39] shirts i did have several staff when we were greeting people at the picnic that wanted to know how do i get a red shirt and i said red shirts are for people who clean up and they said never mind i don't want so board that is my report that is my report for this month the staff's here to answer questions if you have any questions about what's in the report. And again, thank you to CAPE. Thank you for our operating departments for trying to provide really information that you might not otherwise know that's going on in our community. So thank you. Thank you. We'll go

[05:08:15] through our order. Supervisor McKeel. Just to say thank you, Jeff, for the information. And it's always really great to see recognition of our employees because they work so hard across the division and so i'm sorry i missed the picnic i was out of town but it's always a fun event and it looks like you had good weather there you go most of the time supervisor mallet yes indeed thank you i took a lot of notes because i think there are other community centers who could benefit from the red cross visit in that so i want to learn more about that process as well

[05:08:50] and i will ask jacob at another time is there going to be a digital payment that's available for those digitally received bills without the three percent service fee because for a tax bill that's a punishing amount of money to have to add on so that'll be for another day and the picnic was a blast it was the perfect window of cool and lovely in between rainstorms so i really appreciated that thank you supervisor lupisto kirkland and thank you very much always

[05:09:22] look forward to your updates so you can summarize what's been going on and really what our employees have done and the things you continue to do to modernize our county. That is very much appreciated. You're always thinking forward along with your staff, and that's very much appreciated. Thank you. Supervisor Gallagher? Yeah, thank you, Jeff. You kind of preempted reading a lot of things on AI, and you guys are already kind of on it. So seeing that made me think, oh, yeah, I was going to ask some questions about that at some point, but I don't have to

[05:09:59] now. You're on it. Thank you. Supervisor Pruitt. Thank you so much. It was great seeing everyone at the picnic for the brief window I was able to make it, and I am excited to see the word mark out in the wild soon. I also express my gratitude. Great presentation, a fun picnic, and a lot of great things that are going on. I really appreciate the Yancey being an official disaster relief center that's really

important too um thank you so board we are now at uh matters from the public the matters on the agenda but not listed for public hearing or matters previously considered

[05:10:39] by the board or matters that are pending before the board and we have some signups we do we have four people who have signed up in person and no one online so with that i will read the instructions oh i guess i need to get them out of the packet first um matters on the agenda but not listed for public hearing. During this time, individuals may address the board of supervisors concerning matters previously considered by the board or matters that are pending before the board other than items listed on the agenda for public hearing. Individuals are allowed one opportunity

[05:11:14] of up to three minutes to speak at each board meeting during matters from the public. A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[05:11:31] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you will be asked to end your comments. To give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and, if you live in Albemarle County, your magisterial district.

[05:11:51] Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hand in recognition. Speakers may not share any unused time with another speaker.

[05:12:08] Back and forth debate is not permitted. And do not speak out from your seat or out of turn. All comments are live streamed, recorded, and published on the Elmar County website. Excuse me. And our first speaker for tonight is Lee French.

[05:12:29] Good evening. Good evening. Pull it up to make sure we can hear you. Because you're tall. Can you hear me? Yep. Good evening. My name is Lee French. I'm a Charlottesville native and resident 30 of my 42 years and a member of the Charlottesville Area Mountain Bike Club.

[05:12:52] By now, it should be clear that bikes do not pollute or disturb wildlife any more than another user group. All of the wonderful outdoor places in our community are natural areas that all uses Cherish. In no way does allowing running and bicycling harm water quality or negatively impact flora or fauna, including that at Ragged Mountain Reservoir.

[05:13:15] The mountain bike community is supportive of helping Ragged remain a place to be in nature and purely wants this to be accessible to everyone. Changing the code to allow biking will have no impact on the natural environment, as the trails are already there.

[05:13:33] The trail system at Ragged Reservoir is already built, which includes 7.5 miles of hiking trails and a single 6.5-mile shared-use loop where biking is allowed. Cambic, as a club, has no plans for any additional or new trails, as we respect the ecological impact that has already been made.

[05:13:54] The only new trails that will be needed at the Ragged Reservoir will be those required to restore the hiker-only shoreline trail after the water levels are raised 12 feet next year. As a club, CAMBIC is available to help rebuild those trails if biking is restored at the Ragged Reservoir.

[05:14:10] Our community has an opportunity to collaborate on that to assure protection of these sensitive habitats. At the end of the day, the mountain bike community supports happy hikers. As a club,

Cambix supports investigating if bikes pose a threat to water quality.

[05:14:27] Maintaining, constructing sustainable trails that do not erode is Cambix bread and butter. There is nobody that does this better. And we support working with other user groups to manage conflict and any threats to biodiversity.

[05:14:45] Thank you for taking the time to review and reconsider the county code at Ragged Mountain Reservoir. Thank you. Next speaker, I'm sorry, is Angela Skeels-Worley. Hello, my name is Dr. Angie Skeels-Worley.

[05:15:08] I live in Albemarle County in the Scottsville District. Thank you to the Board of Supervisors and the members of the public here today for your attention and the opportunity to speak. I'm here to speak in support of shared access on the existing trails at Ragged Mountain Reservoir.

[05:15:25] We have lived in Charlottesville and Albemarle County since 2003. As a family, we enjoy mountain biking, hiking, bird watching, camping, and trail running with our two girls and our friends. In fact, being outdoors is our favorite pastime, and it is a source of incredible joy.

[05:15:46] Our public lands in Charlottesville and Albemarle County, especially those in or close to town, are invaluable to us in our physical and mental health. My husband and I both have degrees and a background in ecology and conservation. There is compelling evidence that shared use that includes mountain biking on the existing trails will not negatively impact the Ragged Mountain ecosystem.

[05:16:10] Furthermore, if water quality truly continues to be the main concern, I encourage the board to also focus upstream of the South Fork of the Ravana River and what that will do as that water is soon to be pumped into the Ragged Mountain Reservoir and the upcoming construction as part of the Community Water Supply Plan.

[05:16:32] Let me be clear that my family and the mountain bike community recognize and appreciate the unique ecosystem at Ragged Mountain Reservoir, and we would not seek to harm it. One of the largest draws to mountain biking as a recreational activity is a chance to spend the day in the woods and observe native flora and fauna.

[05:16:53] In addition, Ragged's unique location close to the city makes it an especially important asset for shared equitable trail access for all users. Is that done? No, one more. Furthermore, the mountain biking community does not seek to build new trails at Raggin Mountain, and they, in fact, volunteer countless hours and expertise to sustainably maintaining the existing trails at Raggin Mountain and around the Charlottesville-Albemarle area for all trail users.

[05:17:23] The mountain biking community works hard to maintain a positive, service-oriented, and collaborative trail culture, and also to educate the community on proper trail etiquette and use. Thank you for the opportunity to speak. Please consider allowing shared access to Ragged Mountain for all trail users.

[05:17:43] This action will help to support health, happiness, connectedness, and outdoor access in our community. Thank you so much. Thank you. Rebecca Dameron. Good evening.

[05:18:05] Shorter. Can you hear me? Good. All right. I'm Rebecca Dameron. I'm a member. I'm a county resident. I've lived here since 1985.

[05:18:21] so i've seen a lot come and go and i'm here to speak a little bit about ragged mountain reservoir which i've watched from the very beginning to now i'm an avid mountain biker and i have shared this

activity with many a youth in our area there was a very wise educator that said to our school system when you have teenagers give them some acceptable risks to take and i thought that is great advice. So what we did was we bought a bunch of old bikes and we brought a bunch of

[05:18:55] teenagers sort of edgy, risky time. We worked on those bikes. Some of those people could not bike at all. They'd never had a family to give them a bike. We fixed up the bikes. I taught them to ride those bikes. And then once they graduated the Dameron driveway test, we would put them on the road. There are not safe road bike rides in Charlottesville anymore. I've lived here a long time. That ship has sailed. So I took them to the local mountain bike places, which is hard to do in Charlottesville. There are not close in beginner mountain bike trails. Ragged Mountain's it. That

[05:19:34] really is the truth. So I took these kids out there. I taught them to mountain bike. They did not get into drugs or alcohol. They had to pass the Dameron test before they could ride. I took them any time I could. I bought them a bike rack, which I put on my car at great risk to my car and my bike rack. Once they graduated, they could take those bikes while I was at work after school, provided I knew where they were, and they could mountain bike. These kids now are all over the U.S.

[05:20:06] enjoying the outdoors. They send me pictures of the Northern Lights. They send me pictures of, One of them just ran a marathon in some crazy place. She ran 80 miles. This kid couldn't bike. Her family had never taken her outside.

[05:20:21] These people are outdoor enthusiasts now. I've never made such a significant impact. I'm a physician. I did more mountain biking, more impact mountain biking than I did being a doctor. So I really believe in this trail system. Cambic has put in so much sweat equity.

[05:20:40] I think people are respectful on the trails. that's also a learning environment for kids right how to be how respect each other walkers birders etc by the way these kids love to bird this is not exclusive please reconsider this mandate that you can't mountain bike or trail run there it just doesn't seem evidence-based and it's really the only place that these kids who don't have rich family members can access they can ride their bikes there. So it's really important to our community. Thank you very much. Thank you. Next

[05:21:16] speaker is John Gulley. Hey everyone, thank you for your service on the board. We get a lot, I know you get a lot of complaints and appreciate your work. Would you, would you introduce yourself first just for the record? I'm a little dingy. I just signed up here a second ago. I'm John Gulley. I'm a resident of Ivy. I've been here a while and I'm not a mountain biker. I'm a trail runner mostly and I just wanted to speak to the good experience I've had in the area on the trails that are so well maintained principally through the work of the mountain bikers. And we've built really good

[05:21:54] relationships and I've had really good experiences with the mountain bike community and the work they've done. And I think they are such an excellent community partner here, building infrastructure for kids and adults in the city. I do a lot of gravel riding out of town and I don't mountain bike really at all. But part of gravel riding's growth is a product of people not having anywhere else to ride and maintaining access to the city trails I think would be very helpful in that respect and just like I've had a positive experience of the mountain bike community and

[05:22:31] we've built relationships between the trail runners and the mountain bike community I think I encourage us all to think more broadly about what a great community partner Cambit can be for the

county going forward and creating the infrastructure that will give people access to these opportunities. Thank you. Thank you. Thank you. And that's our, we'll move on then, Board. We have public hearings, and there are four, I guess, this evening, or sort of combined

[05:23:07] two, but the first is VDOT, Albemarle County, fiscal year 25 through 30, secondary six-year plan, and this will be led off by Alberic Karina Plun, Planner Transportation. Welcome.

[05:23:29] Good evening, Chair Andrews, Board. My name is Alberic Karina Plun, and I'm a transportation planner in planning within community development. This presentation will cover the Secondary Six-Year Plan for this year, as well as the list of roads that have to be paved under the Rural Rustic Program.

[05:23:51] The Secondary Six-Year Plan is a document that applies to roads in the secondary system and identifies the funding allocated for the next fiscal year and estimates the available funding for the next five fiscal years. Telefee funding stems from utility companies paying a fee to VDOT to put lines in their right-of-way.

[05:24:10] These funds are being used to help fund the Berkmar Drive extension project by Airport Road. District grant unpaved funds are used both on rural rustic and other paving projects. This plan is updated and adopted by the board annually each spring. The Secondary Six-Year Plan is heavily informed from the Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads.

[05:24:33] It is guided by the Albemarle County Unpaved Road Policies and Review Process. The document was updated in May 2022 to now require demonstration of support from two-thirds of residential property owners along the road segment. These are the two roads that received enough signatures this year to move forward with rural rustic paving.

[05:24:54] Additional roads were requested for paving that are listed in the report that did not receive enough support. We will continue to work with property owners on these roads, and if they're able to demonstrate two-thirds support, we can add those other roads to future secondary six-year plans.

[05:25:12] Sonny Point Pass was paved in two segments last year, a northern portion and a southern portion. Staff recommends the project be extended an additional 0.2 miles because the residents' longest segment requested additional paving as part of the original rural rustic project. This segment is fairly flat and straight without any major drop-offs, making construction relatively easier there.

[05:25:33] This also addresses some road geometry issues, namely that this segment is a very narrow part of the road. VDOT has preliminarily estimated this cost to be \$91,500 and available funds exist in the district grant unpaved pot of money. Here is the motion that the board can choose to adopt following a public hearing, which would approve of the secondary six-year plan. Thank you and any questions? Thank you. We'll go through our order. Supervisor McKeel. No questions. Thank you.

[05:26:03] Supervisor Malek? Thank you. The only question I have, which may need to be answered later, is work underway to be ready for the bill, Russett Perry's bill that allows gravel road funding to be used for maintenance and other design features as opposed to just paving everything.

[05:26:22] Yes, thanks for bringing that up. For anyone that's not familiar, recently a bill was passed in the Virginia House that would, basically that district money could be used for other kinds of paving projects.

Speaking with VDOP earlier last month about this, they're not entirely sure yet of kind of how this is going to fit into the program yet.

[05:26:44] So we're going to get more information about some of the projects we can go do with the new rules, probably starting sometime this summer. So no updates yet, but thank you for bringing that up. Thank you. Supervisor Lupisto-Cridley?

[05:27:00] No questions. Thank you very much. Supervisor Gallivan? Yep, thank you. So in this, it talks about Berkmar Drive extended. And I've asked this question before, and I was asking if it was fully funded. And the last answer we received was yes. But in here it says it's mostly funded.

[05:27:16] And it's going to take a commitment of future tele-fee funds of \$2 million to get it closed. Which, okay, I would imagine we'll support that and do that. Is the project on hold until those \$2 million are allocated, or are we able to get moving on the project? Thanks, Supervisor Galloway.

[05:27:37] Kevin McDermott, Deputy Director of Planning. project was put on hold when we realized there was a shortfall in them in the funding that we then applied for through revenue sharing that that funding was approved in the recommended six-year plan for VDOT so once the new fiscal as long as there's no change in that six-year plan once the new fiscal year starts VDOT would be able to start that back up the tele-fee funds the appropriate amount of tele-fee funds have been already put towards that project or they're

[05:28:16] actually scheduled to be put towards that project through the next few years. So as long as we continue to add those tele-fee funds to the program as shown in the secondary six-year plan, the project should be entirely funded. So it's going to get underway with whatever that means, time schedules start to be in reports come July 1 exactly and then this board knows that remaining shortfall we're basically committing in future years tele-fee funds to get that this new shortfall on the project completed uh yeah there there will be no shortfall as long as we get the full amount

[05:28:55] of funding uh it through that's been recommended through revenue sharing and the amount of money that's shown on this uh secondary six-year plan for the tele-fee funds okay so maybe i'm just under under maybe my confusion lies with maybe what we've done in the past so the tele-fee funds when you state and it states in the report additional tele-fee funds will need to be appropriated in future years to cover the remaining shortfall of approximately two million so you're saying the last action we took was to go yep we're committing to that two million um yes this is a new shortfall that's this is not a new shortfall so I have to I'd have to read the numbers but

[05:29:34] if you look at the actual secondary six-year plan that's in there you'll see that there is tele-fee money assigned to that project going out into the future years so if there was a shortfall that was referred to that was covered by that additional money that we expect to be able to continue to add to tele-fee between now and when they go to construction advertisement. Thank you for clearing that up. Supervisor Proven. Kind of to continue that same line of inquiry, I'm sorry, Albaric, I realize you just got back to the mic, but this is probably going to be together again.

[05:30:12] I just want to make sure I'm correctly understanding the spreadsheet that we have before us, which I realize you don't have before you, but you have the connector road for Berkmar, and it has across the six-year plan that allocated funding for each year, and then the row right below that is described is future district grant unpaved funds. Am I correct in understanding that's basically just the difference

between our projected. That is what we have if we have additional folks coming through with their two-thirds votes in future years to actually be able to do the primary role of this.

[05:30:44] Okay, great. Yes, the district grant unpaved funds are separate from the Tel Aviv, so they cannot be used for the Burke-Moore project, but that is what is used for future rural rustic projects. And then with the new bill that came on, that's the money that is now being looked at differently. Okay. Awesome. That's really all I had. I just wanted to make sure I was parsing all that correctly. Thank you. And I have no additional questions.

[05:31:12] So with that, we will open the public hearing and we have someone signed up. One person and no one online. So let me read the instructions for speaking from the public.

[05:31:36] I'm sorry. I'm hesitating here because I'm trying to find my place. I apologize. These rules are also included on the published agenda for the meeting, which can be found online and on the sign-up table to the audience's right. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing.

[05:31:55] Speakers are limited to one appearance of three minutes per public hearing item. Community members physically present for the meeting will speak first, and then those who are attending the meeting electronically will speak. For in-person speakers, timekeeping is conducted through a timer and light system at the podium.

[05:32:14] The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired, and you will be asked to end your comments. To give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines.

[05:32:33] When addressing the board, state your name and if you live in Elmar County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting materials may be given to the clerk. If making comments through Zoom, you may upload written comments through the e-comment portal or email your comments to the clerk.

[05:32:53] If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with other speakers. Back and forth debate is not permitted. Do not speak from your seat or out of turn. And all comments are live streamed, recorded, and published on the Elmore County website. And with that, we have one speaker who signed up, Dawn Baber, and she's heading down. And adjust the microphone to your height.

[05:33:25] Sure. Welcome. Hi. Is that good? My name is Dawn Baber. I'm from the Scottsville Magistrate District, representing the residents of Glendower Road, especially the eastern section. Picture this. It's 1955. Poodle skirts are twirling, and brand new dirt road stretches out towards the horizon. My grandparents and great-grandparents stake their claim on a little piece of paradise along this dusty path. They're promised pavement within a year, a modern marvel that will make

[05:34:03] their lives easier and cleaner. Well, here we are, five generations later, and that dusty path is still kicking up a fuss. Unfortunately, that promise remains unfilled. Fast forward to today. Let me tell you, this road has seen better days. Traffic's booming with everyone using it as a shortcut home from work or to go unwind at the local wineries. But the road? Still stuck in 1955, unchanged. It's like a dusty time capsule, except the only thing preserved is the potential for nasty

[05:34:38] pothole surprises. Now don't get me wrong, Glendower has its charm, but the romance wears thin when you're dodging potholes the size of craters and inhaling enough dust to develop respiratory problems, especially after a good rain. Forget about it. The road transforms into a landscape straight out of an off-road racing competition only there's no prize money at the finish line just a hefty repair bill for your car's undercarriage it's not just about the aesthetics

[05:35:11] though this cloud dust that we live in creates a real safety hazard you can barely see a car let alone a bike or a mom with a stroller but the problems go beyond just inconvenience this constant churning of unpaved earth creates a thick dust cloud that blankets the entire area.

[05:35:33] This dust creates brownout conditions, making it dangerous to drive and impossible to see oncoming cars, bikes, and pedestrians. This dust is also a serious health hazard, especially for those that live close to the road. It infiltrates homes and makes it difficult to breathe, creating a constant need for cleaning. The financial burden of this unpaid road falls heavily on us too. The constant pounding over the gravel washboard wreaks havoc on our cars, requiring frequent and expensive repairs to struts and alignment. Investing in paving Glendower Road is not just about improving

[05:36:10] our comfort, it's about safety, health, and fairness. We deserve the same level of infrastructure as other communities. Paving this road would not only increase safety for all users, but it would also save us money and improve our quality of health so i ask that you please pave our road and also with that i want to mention that tomorrow is my dad in the back's 83rd birthday and i'd like him to see the road paved thank you thank you and that's our only speaker okay uh before we close the public hearing then i will turn to the board and ask if there are any additional questions of

[05:36:48] staff or anything further, then we'll first, we have a question. Go ahead, please. And may I just get asked to make sure I understand correctly on the Berkmaar extension, because did I understand from the explanations that July will be ready to shovels or should July enter some five-year funding period? Because it sounded pretty optimistic there. I just want to make sure that I didn't misunderstand. They are still, they are not complete with the engineering on that project yet so that was what was put on hold they were still in the process of

[05:37:24] doing engineering so they're not going to be getting out shovels in July they'll have to complete the engineering phase of it and right-of-way phase and then move into it but the money is all available right away to start moving on it so that so it won't there won't be a period any more period of delay they'll get back to work it's just the pencil work not the shovel work Okay. I guess there's no possibility of knowing how many, is it months or years as far as this design and right-of-way?

[05:37:54] I mean, this is really the two-year right-of-way phase that VDOT usually applies to do that short section? It's not going to be months. It will likely be a couple years before that is ready to go to construction. But we do not have a firm date on that. We'll have to work with VDOT once the money is made available.

[05:38:13] Thank you. Yes, I just wanted to say thank you very much to staff for all the work you've put into this and especially working with Stony Point Pass. That is very much appreciated. I thought you guys have done a great job. Thank you. So with that, I'm going to close the public hearing. Okay. The matter is back before the board. We'll go through our order to see if there are any additional comments before a motion was made. Is that right? Oh, go ahead. I'm sorry. We wouldn't to close the public hearing. Well, we went to Ann. Oh, we were. It's okay. It's all right. I'll just

[05:38:51] wait. You're up. I don't have any comments. I have a question. It's okay. We can. Would you address the concerns that we just heard from the speaker? Would you mind? Did you have, could you do that?

[05:39:06] Could you please repeat that? I couldn't hear you very well. Could you please address the concerns from the speaker? We just heard the public comment. Yes. I have heard from multiple residents on Glendale Road about the problems with the dust out there and the condition of the road. It was recommended, or I got enough signatures to be on the Secondary Six-Year Plan, so it should be paved.

[05:39:27] I'm not sure about the exact timing of when it will be paved. That is for VDOT's schedule to kind of determine that, but if it's on the Secondary Six-Year Plan and you move to adopt it, it will be paved. Thank you. Just wanted to make sure. Thank you very much.

[05:39:43] Thank you. Okay, and if that's all right, we'll just continue in a rounder order with any additional comments. Supervisor Malek? Okay, so I'll follow up again then. So is there a separate motion that one needs to make on Glendower or is it incorporated in here?

[05:40:04] So it's about how more process had to happen. So I'm just trying to understand that. It's all this motion is the one motion you're making tonight. Okay, thank you. I must be having trouble reading things or something. Supervisor, what do you still care? I keep finding questions. Supervisor Galloway. Yeah, it looked like it, I think it's a two-stage deal, the Glendower.

[05:40:21] It's going to be two-stage. Two parts. But what I would, to the speaker, I think what, I'm just going to make a recommendation that when it's finally paved, maybe you do a throwback with those skirts that you mentioned to celebrate and have a little fun with the pave that's there and act like it's then and it was approved and end.

[05:40:40] I just want to make sure we're closing comments, not questions at this point. We're closing comments. Okay, great, great, great. This is not the first time I've heard this from my residents about Glendower Road. It is something that has affected me quite directly, just hearing from these residents.

[05:40:58] And also, frankly, personally, as a runner, I don't run the Keene Circuit anymore because it is too hard for me as a person with asthma to continue running that circuit because of the dust. It is a real concern. And I just, you know, I didn't grow up in the rural area of Albemarle, but I did grow up country.

[05:41:15] And my experience has always been that folks who grew up country don't always want, like, their rural roads preserved. they don't always want the preservation mindset. Often what people want is the basic amenities that they see their neighbors up in the city getting. And I'm really excited that I get to be involved today in casting a vote for what is a 50-year promise. Thank you. Thank you. I'm also supportive of the motion. I understand it includes Glendower. It also includes Henderson Lane. So these are both on there approved for uh the program and if we approve this motion so we're looking for a motion

[05:41:55] before that i would just like to uh wish um her dad happy birthday hopefully this would be a nice birthday present um if it's okay i'll go ahead and make a motion i move that the board of supervisors adopts the resolution attachment f to approve the fy 2530 secondary six-year plan and authorize the County Executive to sign the FY25-30 Secondary Six-Year Plan. Second. A motion from Supervisor Lupisto-Kirtley, a second from Supervisor Pruitt. Without objection, clerk will call the roll. Ms.

[05:42:30] McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malik? Yes. Thank you. And with that, we can move on to the next two public hearings, which will be separate hearings, but we'll treat them initially with one staff presentation on ZMA 2023-16 Stonefield Code of Development Amendment and also the SP 2023-19 Stonefield Tesla Outdoor Storage Display and

[05:43:05] Sales. And these are led by Rebecca Ragsdale, Planning Manager. Welcome. Thank you and good evening. As you mentioned, it is two separate items, the first of which is an amendment to the stone field code of development and then the second of which is the special use permit for outdoor storage and display. Please take conversations out in the hall. I don't think they can hear you. You okay for me to continue? Give it a minute. Can you hear me okay? I would.

[05:43:42] So I've reviewed primarily the rezoning and then we have Margaret Maliszewski here. There's Margaret from the ARB staff if you have any questions related to that. So currently the Code of Development for Stonefield does allow motor vehicle sales in certain blocks, but it's by special use permit. So this proposal is to allow a limited amount of square footage, 4,500 square feet, in certain blocks, and I'm going to orient you here in a second. So that's the rezoning request. That's the process to make this amendment to their permitted uses in their

[05:44:20] Code of Development, and that's the only thing that affects the ZMA. For the special use permit, That is to allow the outdoor storage of the vehicles and that's limited to 10 spaces and I'll show you those locations and they are visible from the entrance corridor so that's why that special use permit was required.

[05:44:43] So this is a location map on the right. The special use permit applies to these locations that are circled in yellow. And then the red arrows represent sort of the stretches along 29 and hydraulic where you can see into the parking lot.

[05:45:06] And then the left is the location where the motor vehicle sales, 4,000 square feet of it, is anticipated. and this parking by the way is this is of course the Trader Joe's corner Trader Joe's I think everyone knows where that is and the spaces would be beside what the building that has Torchy's Tacos and Lens Crafters and then the other spaces would be across District Avenue at the Regal Movie Theater and this did this did have a community meeting where there were no concerns

[05:45:45] and it did have a recommendation from the Planning Commission for approval I mentioned auto sales is already contemplated in the code of development and it's also contemplated as a secondary use in the land use plan so we didn't have any concerns there and this is the stone field block plan and with with neighborhood model developments we're regulating permitted uses and a number of of other things by block. And this is hydraulic again, N29. So the blocks where auto sales

[05:46:18] limited to 4,500 square feet would be permitted by right are A, B, C, and G. Now this special use permit will only apply to the plan that was presented to the ARB in terms of where vehicles can be visible from the entrance corridor. So if something changes with that, then they may go back to the ARB or through the process to get another outdoor storage and display

[05:46:49] special use permit. And these are just some more pictures of the locations. I think we've gone over that. So we did staff recommended approval as well as the commission not having any concerns about consistency with the master plan or the prior intent of the Stonefield Coder development so these

are the conditions that are recommended for the special use permit as you mentioned i'm doing one presentation and then i have motion slides when you get to opening the

[05:47:26] public hearing with the zma first and then the special use permit thank you so with questions we'll go through our order supervisor mckeel i don't have any questions thank you rebecca supervisor malik no questions thank you supervisor lupisto curdo no questions thank you supervisor Professor Galloway. No questions. Supervisor Pruitt. Is there any contemplated charging infrastructure that's going to be part of this request? Yes. Yes. Is that only going to be for the four spots that are specifically for the display vehicles? The applicant I think will

[05:48:02] address. I don't think we've reviewed where they'll be and have permits for the charging stations yet. Okay. Thank you. Thanks. I have no additional questions. With that, I will open the public hearing. Do we have anyone signed up? We do not. So we will have the applicant next and Supervisor McKeel will read the rules regarding comments by the applicant. I can do that as soon as I catch them right here. Here we go. Applicants are limited to a 10-minute presentation

[05:48:38] of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Welcome. Am I missing something? I think that's maybe usually a little bit more about the timing and the light and all that.

[05:48:56] But you were here for the other, so I think we'll be fine. I can go over the timing with you. I could probably. Sorry. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking, and the red light indicates your time, but you have 10 minutes.

[05:49:18] So this is Mr. Blaine. Yes. Welcome. Thank you, Mr. Chairman. Sorry for the confusion that I've given you. Thank you, Mr. Chairman, members of the board. I'm Steve Blaine. I'm representing the O'Connor Group and Stonefield.

[05:49:35] I don't really have anything to add to Rebecca's fine presentation, but a little bit of context. As one of the authors of the Code of Development 20 years ago for Stonefield, I can say that the notion of a very limited showroom and not the conventional big three auto sales facility that we've come to know was really not contemplated.

[05:50:06] Now we're seeing a model where manufacturers have limited models. They don't have all the inventory there at the sales. Otherwise, we would have made that a buy-write use. But it is a special use permit in the code, and that's why we're here tonight.

[05:50:26] And we're also here, of course, because the special use permit is required where there is a display that can be seen by the entrance corridor. And if one automobile is on display, then that triggers that special use permit.

[05:50:42] There will be charging infrastructure for up to, they may not use all 10 spaces for the inventory, but each of those will have a charger so that they're always charged. It's also, I'm keeping in the theme with the poodle skirts and looking back, kind of a throwback to the way showrooms, automobile sales, and urban centers you'd see in an office building with just a showroom and not a lot of parking.

[05:51:19] So I thought that would provide some context as well. I'm happy to answer any questions and appreciate your consideration. Thank you. And we'll go through our order with any questions. Supervisor

McKeel? I have no questions, thank you. Supervisor Malek? No, thank you.

[05:51:35] Supervisor LePito-Curtley? No questions, thank you. Supervisor Galloway? No questions. Supervisor Pruitt? No questions, thank you. And I have no questions, but I think it's fascinating, the new model for selling a car. It's nice to think you don't have to have acres and acres and acres.

[05:51:53] Of pavement, right? Yeah. You do have five minutes of rebuttal. I might want to jump back up. If there are no other questions, I will close the public hearing. And the matter is this matter.

[05:52:10] The first matter is back before the board. If there are additional comments, and one of the questions I'm expecting there may not be, in which case we'll look for a motion from the supervisor of the district. I don't see anybody having... Okay, we're good.

[05:52:26] I move that we approve to adopt the ordinance attached to the staff report as attachment F4, approval of ZMA 202300016. Don't field amendment. Second. We have a motion from Supervisor McKeel, second from Supervisor Malek.

[05:52:45] Without objection, if the clerk will call the roll. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye. Ms. Malik? Yes. Thank you. And with that, we're on to the SB 2023-19, and we have a motion up for that.

[05:53:04] So I will open the public hearing. Do we have anyone signed up to speak? We do not. Mr. Blaine, you have another opportunity? I'm just going to take a pass. Okay. Board, do we have anybody that would like to ask any questions or make comments?

[05:53:22] Let me go through the order. Supervisor McKeel. No questions. Supervisor Malek. No, thank you. Supervisor Lapisto Curley. Supervisor Galloway. No, thank you. Supervisor Pruitt. I'm good. And I am good. So close the public hearing. I think we're there. And if that matter is back before the board and the resolution is on the screen.

[05:53:42] Right. For approval of SP-2023-00019, I move to adopt the resolution attached to the staff report as Amendment G to approve outdoor sales and display. Second. We have a motion from Supervisor McKeel with a second from Supervisor Malek without objection if the clerk will call the roll.

[05:54:00] Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. McKeel-Kirtley? Aye. Ms. Malek? Yes. Great. Thanks, the board. Thank you. We're moving on to our final public hearing for the night, public hearing for the Ravanna Water and Sewer Authority South Fork Ravanna Water Main Crossing easement.

[05:54:23] This is led off by Mr. Krickenberger, Director of Parks and Recreation. Welcome. Quite a mouthful, isn't it? Thank you. Good evening, Mr. Chair, members of the board. I am Bob Krickenberger, Director of Parks and Recreation.

[05:54:38] I don't have a slide presentation for this. There's only one exhibit that could be shared with you, and you can find that within the Executive Summary Attachment B. Excuse me, Attachment A.

[05:54:54] So, but this matter before you is a request from Rivena Water and Sewer Authority. Asked in Albemarle County to grant a temporary construction easement as well as a permanent waterline easement to install an underground trenchless 24-inch waterline crossing under the South Fork Rivena River from the South Rivena Water Treatment Plant.

[05:55:25] That connection will go to Hollymead Town Center, and it's been determined by a very comprehensive master plan that this is necessary to meet the future water needs of that area. Two segments of this water main were constructed as part of the VDOT Route 29 Solutions Project.

[05:55:51] and to complete the connection, there is a need to construct a new river crossing in between the South Fork, Rivanna Dam, and Burkmire Bridge. This line will actually run to the west of Burkmire Bridge. Also needed to complete the connection is an acquisition for a temporary construction easement and a permanent waterline easement for the river crossing on the county's Brook Hill

[05:56:24] River Park, and also along Rivener Mills Road. Brook Hill River Park, which is attachment A, is an exhibit that shows the boundaries as well as the proposed waterline, was gifted to the county in 2018 by the Crockett Corporation for Outdoor Recreation, who courtesy staff reached out to the Crockett Corporation to confirm whether or not they had any concerns or not, which they do not.

[05:56:57] with the proposed easement as well within that proposed easement. There is language included that will address the wetlands that are located within that general area, and they were developed and approved by our county attorney. So granting these easements has no operating impact on the current or has no impact, excuse me, on the current or future recreation development, and there is no

[05:57:32] budget impact associated with this item. So with that said, staff recommends that following the public hearing, the board adopt resolution attachment C to approve granting the proposed easement to authorize the county executive to execute any documents once approved by the county attorney. Mr. Chair, members of the board, that concludes my presentation. I would be more than happy to answer questions. We also have a representative from RWSA, Mr. Bill Shuler,

[05:58:09] and he's also here to answer any technical questions in regards to the project scope that I'm not able to. Thank you. We'll go through our order with questions. Supervisor McHugh. No questions. Thank you. Supervisor Malek. Yes. Thank you. Let me get back to my paper here.

[05:58:29] Are you a what are you able to provide a little more detail about the level of disturbance in this very region because when the Birkbar Bridge was being discovered, being constructed, there was a very large cordoned off area because of the wetland there. So can you give us a little more information about that? Excuse me, that's the purpose of the trenchless waterline, which it doesn't, it's drilled. It's a process of drilling tunnels and the piping goes in those tunnels. But I'm going to let Scott, he's the engineer, let him go over that in more detail. Wonderful.

[05:59:05] I appreciate that. Thank you, sir. Good evening. My name is Scott Schiller with Havana Water and Sewer Authority. And just to answer that question, we have performed various studies. And as Mr. Kierkegaard referenced, the horizontal directional drill method of installing it underneath the river will bring it up past the area that would be considered wetlands.

[05:59:25] So we'll be coming in closer towards Rideau Mills Road and then running along basically inside the road. So the east-west section is basically in the highway right-of-way right there. It's the north-south section. is what i'm concerned about so the depth of the horizontal drill is what it varies because as we we have to get underneath the the base of the river right so it's it's sort of in a kind of u-shaped kind of fashion because having having had a wet area we were trying to capture actually for a watering system and the contractor punctured the clay liner and that was the end of the wet

[06:00:02] area so we lost our water resource so i just am concerned that that depth be maintained properly so that we don't lose the resource, that's all. Yes, certainly. And we've done a lot of analysis to identify the locations of the wetlands and specifically establish the plans to avoid them.

[06:00:17] So I can confirm some of those steps for you, but I'm sure we've got it. Thank you very much, that's perfect, appreciate it. You're welcome. Thank you, Supervisor Lupisto-Kirtley. No questions, thank you. Supervisor Galloway. No questions. Supervisor Pruitt. I have no questions, thank you. And my answer is mostly just curiosity, is this 24-inch diameter done all at once with the boring machine, or is it done in segments?

[06:00:42] Yeah, there's actually a long, they call it a string out. So we'll be on the south side of the river, and they essentially assemble the pipe, and they basically string it out, which is why we had to kind of get some additional property on the southern side, and then it's essentially pulled through underneath the river all in one piece.

[06:00:59] All in one piece. Yep, and then we'll connect to it on the other side and do more traditional pipe installation methods once we're on rite-o-mill run. Oh, you might want to come out and watch. Agree, it'll be quite a spectacle. Maybe you should let him know when you're going to be there. Can do, can do.

[06:01:15] Thank you. If there are no other questions, I will open the public hearing. Do we have anyone signed up to speak? We do not. We have no one. Then I will close the public hearing. And the matter is back before the board. Any additional comments or questions? I can go through the order or just look around.

[06:01:34] Then I believe it's in the Rio District. I move the board adopt the attached resolution, attachment C, approve granting the proposed easement and authorize the county executive to execute any documents once approved by the county attorney to convey this proposed easement second we have a motion from supervisor galloway a second from supervisor mallocc without objection for clerk will call the roll ms mckeel yes mr pruit hi mr andrews yes mr galloway yes ms lapisto kirtley yes ms mallocc yes great uh thank you board uh we are through our public hearings we are back to

[06:02:12] just matters from the board. Committee matters are of course not listed on the agenda. I will have something. Let's go through the order. Supervisor. I don't have anything tonight. Thank you. Supervisor Malek. I do not either. Thank you. Supervisor Lupisto Curdo. Nothing tonight.

[06:02:32] Supervisor Galloway. No, nothing tonight. Supervisor Pruitt. Nothing today. Thank you. Well, not to slow everybody up. Sorry to make you the only person. This is a first. I have something and it's mostly an apology and a correction. I've been informed by the county attorney as we got to discuss this that when we were discussing the Ragged Mountain Reservoir natural area I needed to make a disclosure that I did not make that let me read the disclosure because my spouse owns an interest in a limited liability company which owns property adjacent to the property comprising the Ragged Mountain Reservoir. I have a personal interest in the board's consideration of matters related to the Ragged Mountain Reservoir recreational uses

[06:03:10] although this is south of 64 a mile from 64 so it's no way you can bike to the other side from there but never know what's going to happen uh for the purpose but this is related to the ragged mountain reservation recreational uses for purposes of state and local government conflict of interest act under the act i may participate in any official action or contemplation of official action because the limited liability

company is a member of a group of three or more property owners that would be affected by an action and I am able to participate in the transaction fairly objectively and in the public interest I will file a written disclosure statement with the clerk to

[06:03:46] the board of supervisors which further explains my declaration and participation. I thank you for indulging me that I completely neglected to think about the fact that our property does abut at the very bottom of that reservoir property. I haven't seen one of these in the wild yet it's this is how it works. I've had to read more than my share, mostly for other meetings.

[06:04:12] With that, I'll look to the county executive. If there's anything further, then this is a little confusing. Bear with me. I announced that our meeting will be adjourned to our next regular meeting, June 5th, 2024, 1 p.m. at Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website, on the voter supervisor's homepage and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received. Additionally, it is anticipated that there will be a special meeting of the board on May 29th, 2024, 9 a.m.

[06:04:46] at the Hilton Garden Inn, Peter Jefferson, Room A, 1793 Richmond Road, Charlottesville, Virginia, and I will be directing the clerk to prepare the special meeting notice once the details of the meeting are confirmed? Hilton Garden. No, that works. All right.



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