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Albemarle County Board of Supervisors Regular Meeting, Wednesday, July 17, 2024

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[00:00:00] to the Albemarle County Board of Supervisors on the 17th of July at 1 p.m. in this Lane Auditorium. I'd like to note at the dais we have Supervisor Mike Brewitt of Scottsville District, Supervisor B. Lapisto-Kirtley of the Ravana District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor Ned Galloway of the Ryo District, Supervisor Ann Malick of the Whitehall District, and myself, Jim Andrews, representing the Samuel Miller District. The forum is present.

[00:00:24] We're also joined here by our county executive, Mr. Jeff Richardson, County Attorney, Mr. Steve Rosenberg, and our Clerk, Ms. Claudette Borgeson, and our Senior Deputy Clerk, Mr. Travis Morris. Also, let me please welcome Albomaro County Police Officers present, Master Police Officers, Stephen McCall and Paul Quillen. We thank you for your service here today and for your work that you and your colleagues do every day throughout the county for our safety and security. If all present, could now stand as you are able and join us in

[00:00:54] the Pledge of Allegiance. Thank you. And if you would now join us in a moment of silence.

[00:01:38] Board, our first item is adoption of the final agenda. I don't know that I've heard of any suggestions, any changes. If there are none, then we're open to a motion to adopt the final agenda. So moved. Second. We have a motion from Supervisor McKeel, a second from Supervisor Lapisto-Kirtley. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway?

[00:02:01] Yes. Ms. Lapisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Great. Well, we now move to brief announcements by board members. We'll start in our order. Supervisor McKeel? I just have one announcement that I would like to make, and looking into the audience, I think it's very relevant today for this announcement.

[00:02:25] Many of you all may have seen the press release from Jabba that our CEO, Marta Keene, has decided that she is going to retire and take life easy, although I doubt that that will really happen.

[00:02:44] But I just wanted to make the announcement that Marta's retiring. She's been with Jabba since 2013. We are very, very appreciative of her service. She's done a wonderful job, but we are seeking a replacement. And not that we can replace you, Marta, but we hope to name a CEO in December.

[00:03:05] And Marta has assured us that she's going to remain around for a while to help usher the new person into the position and show them their way. So with that, that's my announcements. Thank you. Supervisor Pruitt. So I had the distinct pleasure of getting to enjoy what is my favorite calendar event every single year, which is the 4th of July down in Scottsville.

[00:03:33] And so if anyone else made it down to the Scottsville 4th of July parade, market and festival and fireworks, really all day long event, 12 straight hours of events, then it was a real hoot and holler.

[00:03:48] I would also be remiss if I didn't acknowledge, you know, the Scottsville parade is always a distinctly political fair also, right? You have people from all adjoining counties, candidates marching. I always march with the Albemarle County Democratic Party, along with several other candidates.

[00:04:09] And the tenor this year was different. The tenor this year was different. I was directly jeered by a lot of people. I was directly shouted at, screamed at by several constituents. and also frankly supported by uh equally vocal equally loud people we recently had a president who was shot in public we have a society where it is increasingly tense to be political in public

[00:04:47] and to have political opinions and it's scary right um we are in a political moment where there are a significant volume of rhetoric and uh political and borderline conspiracy theories about queer people. I was in this parade as someone who is openly queer and know what the rhetoric around a school board election last cycle looked like. I am sometimes afraid to be openly political in my own community. This really speaks to what I think is something we should be

[00:05:26] concerned about and should be talking about, which is the ongoing role and the way it has trickled down from the federal government, trickled down into state government, trickled down into local politics of normalization and acceptability of violence and building a culture in our country and in our community in Albemarle County that does not treat life and the right to human life and enjoyment as the thing that is the primary thing that we should be concerned about um and it is chilling and I'm concerned and that's all I had to say sorry it was a bummer appreciate that

[00:06:05] Uh, Supervisor Callum. Um, I was going to see if I could quickly pull this up, but Supervisor Pruitt's comments when, uh, Supervisor Malik and I had the opportunity to attend the National Association of Counties this past several days.

[00:06:21] They just both returned yesterday. Um, and the Pew, the Pew Center for Research did a study that had said that the public by and large of the G7 nations, that the United States used to be first with its constituents feeling, having faith and trusting their government, and are now last. Further research was

showing that that animosity or that distrust of government was primarily being focused at the federal level, starting to seep into the states. And the point of the session was that local

[00:06:59] governments are still a place where people should and still have some level of faith in their local government, that they will listen, adhere to their needs, because they know the impacts can be so great. So when we start seeing things like this seep into our world, it's contingent on us as local officials to know that we are likely the firewall to prevent it from getting into all levels of government and to continue to do what we can do to combat against that. And I have to tell you, the National Association of Counties is not made up of one political party and all seem to

[00:07:34] be in support of that and not just doing it for the sake of show. I didn't meet anybody down there that was worried about sharing their opinion on where they felt or where they stood, but that was one thing that they were all seemed to be in genuine agreement of. So thank you for sharing that, but just that's what came to mind in listening. I'd also want to just say to Marta that I've got constituents in my district that have asked me not to endorse your retirement.

[00:08:04] I think we all understand and appreciate, and you've certainly deserved and earned, but I appreciate Supervisor McKeel noting that. But I have heard that and shared that with you privately, but now it's on the record that we do not officially endorse your, at least I don't. Maybe we could just say no.

[00:08:21] Say no. Just say no. Is that a motion? Thank you. Thank you. Supervisor Lupisto-Gurdly. Well, I agree with what Supervisor Pruitt, Supervisor Galloway said, there is no room for violence. We know that. I think at the local level, the best thing we can do is to listen to everybody, listen to all sides. That seems to really calm people when you actually engage with them.

[00:08:51] and it's too bad you didn't have a chance to engage because once they get to know you they've got to love you so unfortunately that part doesn't happen and that's what probably what needs to happen uh but on as far as announcements and everything i just wanted to say proudly that um board endorsed that the abemarle county fire rescue foundation will have another meeting tomorrow via Zoom, well, in person and Zoom.

[00:09:22] So we'll have another meeting tomorrow and we are moving forward on that. We're hoping to get the MOA done sometime in August and we're moving forward. So thank you, that's all. Thank you, Supervisor Malek.

[00:09:38] Thank you very much. And as Supervisor Galloway said, the NACO conference was long and exhilarating and exhausting, but as the materials are available, I will share them upon everybody so you can try to get as much out of it as you can from a distance.

[00:09:56] It was great to attend a digital communities event and see Roderick Burton and meet Kelly Spencer, a longtime county staff person whom I've never met before who is now in IT. But listening in at the dinner conversation with them conversing with other IT people from other counties, I was so impressed with what they are bringing to us and the awareness they have of the great risks which all of us in all communities face. And I felt very comforted by that. And I know that they will be presenting something to the board when they're ready. But I

[00:10:32] just wanted to thank them for all the work they do every day, in addition to whatever they're going to talk to us about from the event. Whitehall District did have three parades, each different from the other and each different from last year. Fewer bicycles and children in costume and more veterans, but

crowds were still large and mostly supportive. Some shouted criticism, as you had mentioned. But ever since I came back to Albemarle in 1982, I have worked to build and retain that community strength and trust in process. I'm a process wonk. That's the way it is. But when there

[00:11:09] is a process and people can count on the process happening and knowing that they will have a chance to share their views and build whatever the structure is that's being considered, that does give them confidence. And I think the confidence is eroded when people see that things are slipping away and they're not getting a chance to say anything bona fide in a discussion.

[00:11:30] So we cannot despair and throw up our hands about this. We have to all dig in and make sure that we can make ourselves, make Albemarle County different from what is happening in other places. I'm all in on that. Also great news about the Rosenwald School in Greenwood, which was built in 1925.

[00:11:50] Two-teacher wooden structure. It is still in pretty good structural shape. The University of Virginia's architecture school is working on evaluating things with Mr. De Alejandro, who is, and they're working on planning what the rehabilitation would be able to do.

[00:12:09] Very exciting stuff. And the church who owns the property, Mount Zion, is happy to be a partner in that effort. So I'm really excited about that. And historic preservation is incredibly important to all of us to know where we've been. We might know where we're going. So that's all I have for today.

[00:12:26] Thank you. Thank you. And I share the sentiments of concern about political tensions that we're facing and hope that we can, as a board, show that we're listening to people.

[00:12:43] and and open and receptive and therefore keep things toned down a bit from what we're seeing on the national scale so in that end I have a couple of later announcements the good news to announce that if you haven't seen it the plank road through truck restriction that we had acted on earlier has been approved and VDOT is preparing signage so that was announced in June and then And I hope I'm not stepping on anyone's announcement, but I did note that the 2024 National Night Out event is scheduled for August 6th.

[00:13:20] And from 3.30 to 6.30, that's a putt-putt with the police annual event at the putt-putt course over by Rio and conducted in order to get the police into the community. And I guess over 1,000 attendees were there last year, so I encourage people to join in on that.

[00:13:41] Does anyone else have anything to add? Yeah, I will, and I'll try and be brief, Jim. Thank you. But just to address the topic around the way we're treating our fellow citizens and how it's spilling over to perhaps into our behaviors.

[00:14:01] My daughter yesterday was driving on Olensburg Road, and as she was passing the county office building south, she noticed that there were cones along the way, and then she came upon a utility truck, and she noticed that the driver was out of the truck, and she was concerned about his position and the way he looked, and she went up and came back around and checked on him, and in fact, he was very ill, and he actually received some burns, I think, from

[00:14:35] you know, the truck, regardless. She said that she was able to call 911 quickly and he was, the ambulances were able to come and help him. But she said what was the most appalling about the whole situation was the woman who approached in the big black truck who was so inconvenienced by the

ambulance that her behavior was just appalling. And you think about how we've gotten to the place where it's not only political discourse, but it's not even taking into

[00:15:12] consideration the safety and well-being of our fellow citizens in the community. And I'm sure that the police and the fire and rescue see that every day. They nodded their head to Megan and said, yes, not unusual, but it's getting worse.

[00:15:27] So as we're driving and as we're moving around our community, let's think about health and safety and the welfare of our fellow citizens our fellow residents and our community and and help lower that frustration tone a little bit because at the end of the day if we get somewhere two minutes late five minutes late ten minutes late it's probably not the end of the world so thank you thank you and yeah with that note about the heat obviously we hope everybody stays cool both physically and temperamentally it is hard uh board our next item is proclamations and

[00:16:07] recognitions i believe we have only one on the consent agenda so we'll move on from there to matters 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 i believe we have both in person and online and vice chairman mikhael will read the rules and introduce the speakers? We do. We have six people who have signed up in person, and we have one person who signed up electronically. So with that, I will read the rules. During the time set aside for matters on the agenda but not listed for public hearing, individuals may address the Board of

[00:16:44] 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 three minutes to speak at each board meeting during matters from the public. A sign-up sheet is managed by the clerk's office. Community members physically present for the meeting will speak first, and then those who are attending the meeting electronically will speak. For those participating electronically, the clerk will coordinate with each speaker when it is their turn to speak. For in-person speakers, 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.

[00:17:22] the yellow light indicates you have one minute to finish speaking the red light indicates your time is expired and you will be asked to end your comments for online speakers you will be notified when the three minutes are up and you and you are requested to bring your comments to a close as your microphone will be muted after about five more seconds 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 Elmore County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting materials

[00:17:58] may be given to the clerk. In making comments through Zoom, you may upload written comments through the e-comment portal or email your comments 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 please do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Almar County website. If participating by phone, press star nine to let us know you want to

[00:18:31] speak, then press star six if from a landline to unmute. If by Zoom, please remain muted until you are called to speak. All right. And let me see what the first speaker. And I do apologize ahead of time if

I mispronounce anyone's name. Please be gentle with me. So our first speaker is Marta Keene. Welcome, Marta. I was just told that I pronounced your name correctly, Marta.

[00:19:06] If you could adjust the microphone so that we can hear you. Thank you. Thank you. Good afternoon. I'm Marta Keene, RIO district resident, and will continue to be one after I retire. And I am the CEO at Java.

[00:19:22] And you have in front of you some stories. I'm here to say thank you for your support, both during the budget as well as ongoing collaboration with so many of your different departments. And I thought today was a nice day to go from talking about numbers when we were doing the budget, to talking about stories and feeling the difference. Our first value is compassion.

[00:19:47] And I think given our discussion a few minutes ago, it's particularly nice to read these stories and realize that there is a lot of compassion out there and have some faith in our fellow humans. On pages two and three, there are stories about our JREC, our Respite and Enrichment Center.

[00:20:06] and basically i think it just reminds us that something as simple as a manicure or a shave can make such a difference and help people have such a sense of dignity when they're living their life with dementia and so i think sometimes we forget that those little acts of kindness really matter um i'm not going to read this to you i'm going to leave it to you to enjoy at a different moment but if you choose to go to page 10 there is um a story that i would like to highlight. And I would just say many of the stories are featuring different counties and

[00:20:43] the city so that we can show everyone as we go around the region. But they all represent the kinds of similar activities that are happening here in Albemarle County. So on page 10, we have a woman who had come to us to help her with applying for long-term care Medicaid, which is not an easy process. So many people do need that help and we're glad to help them. But then after that happened, she did move into a new apartment house and her husband passed away. So she's got grief

[00:21:20] going on. She's got macular degeneration. So she's really having trouble reading her recipes. And it's really changing how she and her daughter now needs to interact. And so our aging service coordinator was able to work with her to get home delivered meals set up so she doesn't have to worry about grocery shopping or cooking, and her daughter doesn't have to worry about doing that as well. She can come and be a daughter, and then they can have meals together when they choose to, and I just think it's a good example of what home delivered meals, how they make such a big difference, and we

[00:21:56] appreciate that you support the funding so that we can do that. Thank you. Thank you. Our next speaker is Rob McGinnis. Good afternoon. My name is Rob McGinnis, and I'm here representing the Piedmont Environmental Council. My comments pertain to the work session presentation to the Planning Commission

[00:22:29] on the restructuring of AC44 Comp Plan Update and the new timeline. I first want to recognize the dedication, hard work, and contributions of staff, Planning Commission members, and the Board of Supervisors. The proposed new published timeline indicates that public engagement will occur after the county planning team has already published a draft comp plan document despite the unknown changes that may have been made to goals and objectives. PEC recommends that the county undertake robust community engagement during this next phase and all future phases of the comp plan

[00:23:07] update. Community members should receive clear communications on the status of the previously developed goals and objectives, what those goals and objectives will be going forward, and any new goals and objectives that have been introduced. The county previously engaged community members on the chapter goals and objectives as the primary driver of the proposed action items.

[00:23:27] The county's information regarding the status of goals and objectives should be communicated to the public as soon as possible. PEC strongly recommends that the county engage the public on the development of the proposed new section on the growth management policy before a draft plan is completed. The growth management policy is one of the most important elements of the comp plan and should be driving the development of comp plan elements. The previously revised draft growth management policy statement was buried in the land use and transportation element, which limited public comment on the new policy. Thank you for the opportunity to provide my

[00:24:04] comments. Thank you. Our next speaker is Randy Fleckman. I'm not sure about the last name. I probably mispronounced it. I'm sorry. Fleckman, Fleckman, Fleckman, Fleckman. Okay, got it. Thank you. Welcome. Thank you for the opportunity to speak today. My name is Randy Fleetman. I live in the Scottsville district in the Glenmore development and Mike Pruitt is my supervisor.

[00:24:31] And I was a economic officer in the foreign service for 33 years and environment was always in my portfolio. So climate change is one of my top priorities. And I'm very concerned about how the comprehensive plan is going to balance all of the priorities and still meet the county's greenhouse gas emissions reduction goals. Economic growth and adequate housing are important priorities, but climate change threatens all aspects of our lives, and achievement of those goals is critical. Yes, the Paris conference is great because nations are there, but I can tell

[00:25:10] you from my own experience, subnational organizations, the state, the county, municipal, and local levels are critical to America reaching its greenhouse gas emissions goals. So those land use policies, those energy policies, all the other policies are really, really important. They're important to me. They're important to a lot of people. And I ask that you keep us all very well informed of what's going on in this planning process, because I know from my experience in the federal government and doing advocacy for the last six years, once a draft is made public, it's really hard to make any changes in it. So please intensify the transparency and

[00:25:47] the opportunities for public comment. You've got a lot of very well-educated and informed constituents here in the county, in the city. We are advised by very expert groups who can point out things that we don't necessarily catch. And this is really important for us to reach all our goals and balance all of our priorities. Thank you very much. Thank you. Jean Hyatt? Hyatt. Oh, okay.

[00:26:17] Sorry. I appreciate you being gentle with me. Good afternoon. I'm Jean Hyatt, and I'm a member of the Board of Directors of the Local Historic Preservation Group, Preservation Piedmont. And I live in Charlottesville. We have been following along the county's comprehensive plan process and sharing comments and recommendations as it has progressed, and we appreciate all the hard work that has gone into it thus far. However, there has been a long period now with no updates from the planning team. We are eager to learn if all the previously determined goals and objectives remain

[00:26:55] the same? And if any have been revised or eliminated, can they be specified? And also, if any new goals have been added. We respectfully request that this information be shared with the community by the end of July, and that going forward, we request that the county planning team will provide for a

strong and full community engagement this month that will continue through all the phases of the comprehensive plan process. Please don't make the community wait until after the publication of a completed draft document.

[00:27:31] This is, of course, important to our group, as well as many other area residents. Some of our specific interests, activity centers in the development areas and also in the rural areas, the design guidelines, entrance corridors, future development in rural areas with legacy zone parcels and land use and rural I-64 interchanges in the historic areas of Shadwell

[00:28:01] and the NC Mills. Thank you. Thank you. Thank you. Peggy Gilgus. Good afternoon. Thank you very much. I'm Peggy Gilgus from Jack Jewett District. I've been involved in the AC-44 planning process through the Solid Waste Alternatives Advisory Committee, and I've also written to you about the importance of maintaining a rural areas chapter in the comp plan. I was away last week, but I read Sean Tubbs' coverage of the refinement process, which is being proposed by planning staff.

[00:28:37] As an engaged resident, I subscribed to the AC44 mailing list, and there's been no notice to the public about a pending reorganization and rewrite of AC44. So I think the staff's proposal should be sent out to that email mailing list. As you know, the county had gotten as far as completing goals and objectives for all chapters of the comp plan, and people who've been following its development have been waiting several months to see the result of advisory committee and public input on the third phase of AC44, the action steps or strategies to achieve our goals and objectives. I would have said that we were three-quarters of the way through with completing

[00:29:15] AC44, but now staff is asking for permission to cut the comp plan significantly in size, And in their presentation to the planning commission, they compare the size of the document with sizes of documents from other localities.

[00:29:32] But Albemarle County is Albemarle County, and it's not any place else. The content of the comp plan is what matters. And in this proposal, the planning staff has offered nothing concrete about what will remain and what will be left on the cutting room floor.

[00:29:48] I don't think it's appropriate for staff to finalize a draft without further input from the public and advisory committees. Planning Commissioner Claiborne asked a very good question during last week's meeting. What happened to our emphasis on climate inequity? In the newly proposed AC44 changes, climate protection appears to have been substituted with resiliency. We won't have resiliency as a community unless we address climate change.

[00:30:16] We need to ensure that plans for population growth and economic development don't prevent us for meeting our climate protection goals. Adaptation measures won't be enough. Failing to meet our goals on climate by 2044 means dire impacts on underserved communities and future generations. We have a window of opportunity to protect and preserve our natural resources to counter climate impacts and biodiversity loss and maintain a good quality of life for people.

[00:30:44] Please ensure public disclosure about and constituent input on any revisions to AC44, and please reinforce your attention to climate action and equity in our comp plan. Thank you. Christine Putman.

[00:31:04] Good afternoon. My name is Christine Putman, and I live in the Scottsville District, and I serve on both the Natural Heritage Committee and the Solid Waste Alternatives Advisory Committee. Both of

these committees have provided recommendations and feedback on the AC44 goals, objectives, and action steps.

[00:31:25] We appreciate being heard and seeing our feedback incorporated into the Phase 2 drafts. That said, committee members have been eagerly awaiting the next opportunity to engage with the AC44 planning process. After listening to the July 7th AC44 Planning Commission presentation, I'm concerned about transparency moving forward.

[00:31:47] Information should be made available to the public regarding what aspects of the previously developed chapter goals and objectives remain unchanged, which ones have been revised or eliminated, and what new goals and objectives have been added.

[00:32:03] Robust opportunities for public engagement must continue after the comp plan has been drafted, giving citizens and advisory committees time to review and to provide thoughtful feedback. Growth management policy needs to be the center of the comp plan. How we manage growth will impact our ability to meet our climate goals, protect finite natural resources like drinking water and forest cover, and to provide equitable access to a healthy environment for all of our citizens.

[00:32:29] The last month of brutal heat and the threat of drought should get everyone paused about the threat of climate change. We need a comp plan that will boldly address climate inequity because we know that some will suffer the impact of climate change more than others. The county has spent \$58 million to purchase 462 acres for the Rybana Futures Project.

[00:32:50] What actions will be taken to minimize and mitigate the impact of this development on our climate action goals? Was climate considered in the rush to move forward with this project? This development will demand more housing, roads, sewer, water, waste disposal, and energy.

[00:33:07] And if a data center is part of the plan for the Rybana's future, we can throw our climate goals out the window. As we move forward with AC44, I hope you, our leaders, will be steadfast in your commitment to addressing climate and equity while continuing to engage the public and your appointed advisory committees.

[00:33:27] Don't let economic development opportunities overshadow this commitment. Thank you so much. Thank you. And our next speaker and our last speaker is speaking electronically, so I'm going to look to Claudette. His name is Clay Bowen.

[00:33:49] Good afternoon. Can everyone hear me? Good afternoon, Mr. Bowen. Hi, my name is Clay Bowen, and I'm currently working as a climate justice policy intern at the Community Climate Collaborative in Charlottesville. A few weeks ago, I was asked by my supervisor to commute from my family home in Ivy to the office using Jaunt as an assessment of its reliability and availability to individuals who might rely on its services. As an intern, I go into the office on Tuesdays and Thursdays, typically from 10 to 4, a relatively shorter workday compared to the majority of the workforce. I don't own a car.

[00:34:22] I rely on borrowing my family's car or carpooling to get into the city. Without this assignment, I would have never known that Jaunt was even available. As a means of transportation, I've never encountered any advertising or marketing for this service until actively researching on Jaunt's website. Once I registered for a commute from my home, I learned that the operating hours for Jaunt's services in my area are from 10 a.m. to 2 p.m., a four-hour window.

[00:34:48] Furthermore, only inside this time frame are rides offered, meaning the latest time you're able to schedule a ride is 1.30, in which you'll be picked up any time between 1.30 and 2, as the service cannot offer precise pickup and drop-off times. This meant that even with my shorter in-person hours, the service was practically useless for me as CAT's standard bus routes don't reach Ivy, nor does their microtransit. And Ivy Center is about seven miles outside of the city, an excessive distance for most to bike on a high-speed limit hilly road with zero dedication for pedestrian or biking infrastructure. For those outside of

[00:35:24] CATS bus and microtransit systems, Jaunt is the sole option for available public transportation. Mentioned in phase two of AC44's 20-year comprehensive plan is the topic of rural land use and transportation. It speaks on the need for development of a transportation system in these more rural, less accessible areas. While a more thorough transportation system is needed at a minimum, increasing the operating hours of jaunt will be an effective step in the right direction.

[00:35:53] If the operating hours were to be increased, ideally encapsulating a typical nine-to-five workday, jaunt would prove to be much more useful not only for working individuals, but for people needing to run errands, commute to school, or go to a doctor's appointment. With these notes in mind, I advocate for the lengthening of jaunt's hours of operation in the IV area from 10 to 2 to 9 to 5 during the work week. Thank you to the board for your time and consideration.

[00:36:20] Thank you. At all. Thank you. Board, that brings us to item eight, which is the consent agenda. I'm not aware of any requests to pull anything from the consent agenda.

[00:36:36] So the floor is open to a motion to approve the consent agenda. So moved. Second. We have a motion from Supervisor McKeel, second from Supervisor Malik, without objection if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye.

[00:36:51] Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Hi. Thank you. Board, we have a very busy afternoon and evening ahead of us, and we'll work right to it. We have a couple work sessions. The first is a review of proposed changes to the outside agency funding process, led by TAC Demick, our Chief Human Services Officer. Welcome, Ms. Demick.

[00:37:17] Good afternoon. My presentation. Okay. No, she sent me this message, which I'm supposed to know what that is, but I couldn't figure it out.

[00:37:45] help is on the way. Excellent. Thank you. Thank you. I'm sure I'm supposed to know that. I apologize. Kaki Demick, Chief Human Services Officer, I'm happy to be with you this afternoon to talk about the past agency budget review team process and our review of that, as is our custom, and then make recommendations for our fiscal year 26 process. So as background, there are many ways

[00:38:24] in which we support community agencies and this afternoon we're speaking explicitly about and specifically about the agency budget review team process and not about cultural arts and festival contributions and not about the department of finance and budget application review process which is for larger regional agencies with whom we have enduring partnerships so just abrt and as way of background uh age the agency budget review team process serves as a method of evaluating requests for county funding from outside agencies, primarily nonprofits.

[00:38:59] Teams of community volunteers and staff review and score applications against a prescribed rubric. Funding recommendations are not made by the team, and final approval is made, of course, by you all. Every year, we evaluate the process and make improvements. In fiscal year 25, there were 70

applications, which is a lot. It's been increasing pretty substantially every year for the last five years, representing just about \$4.7 million in requests from 49 different organizations.

[00:39:34] They were reviewed and recommendations were made for your consideration, and they were awarded just over \$2 million in funding. 49 of those applications were for the traditional agency budget review team process and 12 were for the new emerging needs human services funding review that we considered last year for the first time and nine of those applications were for something broadly referred to as contractual support which includes for example a small one

[00:40:10] would be the thomas jefferson area coalition for the blue ridge area coalition for the homelessness coordinator receives contractual support because it's not direct service, but it's critical coordinating effect and impact for our community that we think is important, you think is important.

[00:40:30] And as far as feedback loops, we have a lot of ways in which we review this process. I'm not only reviewing it with you today, but we get survey responses from applicants. We review surveys that we do with our volunteers and staff who actually do the reviewing, and then we get feedback pretty consistently from the Center for Nonprofit Excellence, who has a different process of asking for feedback from nonprofits who participate in our process.

[00:40:58] And we have an annual debriefing session between Human Services staff and the Department of Finance and Budget. In terms of the big picture changes that we are recommending for your consideration, we're recommending some pretty broad changes that would help the agency budget review team process be more responsive to community, but also more responsive to your human service goals and would incorporate some best practice changes as well.

[00:41:32] We propose that these changes take place over two years so that there's not a sudden shock to the system about those changes. The specific recommendations that we are asking you to consider are one, a pretty easy one, is to change the name.

[00:41:50] Agency Budget Review Team only refers to something insiders know. It doesn't actually apply. Even if you were on the website and you saw something that was called Agency Budget Review Team, you would not assume that that was about nonprofit funding and click on it to find out more. So we're recommending we change it to Albemarle County Human Services funding process, which would be more specific about its intent.

[00:42:14] That we would improve descriptions on the county website to help applicants determine which application best fits their programming. I think it would be hard pressed to tell you how many phone calls we take from community agencies who ask which one of the applications they ought to be submitting for their activity.

[00:42:29] A, because some activities don't fall neatly in one of those categories, but also because there hasn't been a lot of guidance about that process. We've been very fortunate for the last several years to have John Freeman, who's a retired Admiral County DSS assistant director, return to help us with this process.

[00:42:48] And he's exceptional with nonprofit applicants and guiding them through this process. We may not always have John Freeman in that role. Review which agencies are included in the contractual obligations pool. this is something we do every year anyway, to make sure that we've clarified what it is our intent is around identifying contractual pool versus traditional pool. Both applications get reviewed and

reviewed with the same rubric. It's just a different pathway. And so we do find ourselves sort of stopping every year to evaluate. Prioritizing those applications that provide critical human services to Albemarle County. This is one of the more substantial changes that we're

[00:43:26] recommending. Be consistent with, again, your strategic goals around community safety and expanding human service response. The prioritization would be as follows. We would prioritize applications that provide basic needs, safety net services, and those applications that reflect a service to a particularly vulnerable population, which is not to say that we wouldn't review and or even recommend for consideration programs that don't do those things, but that in the potential and likelihood of a constrained budget environment fiscal year 25 was challenging fiscal year 26 and 27 promised

[00:44:03] to be similar that we would prioritize the organizations that are providing services that that the county would otherwise be compelled to to provide if that agency wasn't doing that work which would be focused on vulnerable populations and around basic safety net programming there are agencies and organizations that prioritize safety nets or vulnerable populations, including community foundations, those kinds of things. But I did a little research to identify local governments that do the same. Loudoun County prioritizes crisis intervention and diversion

[00:44:41] services, which is the way that they identify safety net programs. Their focus is to address immediate needs and reduce or prevent the need for more restrictive and expensive higher-end services. So both an interest in crisis intervention and prevention of deeper and expensive process. Richmond has historically, for several years actually, was prioritizing funding for seniors, particularly vulnerable seniors living in poverty or with an additional compounding experience. Currently prioritizing homelessness, seniors, people with disabilities,

[00:45:17] and health services for marginalized populations. Washtenaw County and the City of Ann Arbor collaborate on their process, and they fund safety net grants in the region in the area of food, health, housing, and homelessness. Sometimes they add child care to that, depending on how many child care spots are actually available to see whether that's an urgent need in their community or not. And the County of Santa Barbara focuses on anti-poverty programming. Interestingly, just thinking about counties that choose a prioritization process for their funding, Sonoma County and the

[00:45:52] county of Santa Clara. Both are fire-prone counties areas, and so they prioritize funding for programs that focus on resiliency for families to respond to emergencies like that. So there's history with counties and local governments prioritizing their non-profit funds beyond whether the non-profit is likely to be a non-profit that delivers the program and is a good steward of taxpayer dollars, but actually prioritizing the actual service delivery itself.

[00:46:27] Lastly, we recommend creating an abbreviated process this year, which would be a way for nonprofits who have historically been funded through ABRT to have a pretty more straightforward and easier way of getting access to us, and also free them up and county staff to focus on longer term changes to the agency budget review process. Anticipated changes for consideration for fiscal year 27, just so you know we're looking forward to that. Revising our application process and

[00:47:02] updating our website. It says sophisticated online platform and I don't want to oversell it. Let me say more sophisticated online platform. And expanded technical assistance and importantly and responsive to your concerns that you expressed during the agency budget process this this past year enhance compliance reviews right now we do not have sufficient staff or sufficient process to do deep dive

compliance reviews other than looking at outcomes for programming and what we heard from you is that you'd like us to be able to do that more regularly and so we would help to

[00:47:38] create a design like maybe every three years we do a deeper dive around compliance around some of those sort of look at better at budget numbers or budget process, including also how you evaluate the services and the impact. So for your consideration, we have proposed some changes for this year and for next year in advance of our guides to nonprofits, which we usually issue in August. And we usually start having technical assistance training for nonprofits in September.

[00:48:10] We want to particularly make sure that you're comfortable with these changes and support the idea of having a prioritization process that that prioritizes those agencies that are providing safety net services like food shelter or emergency response and those organizations that are funding or that are supporting people with particular sort of vulnerabilities i'm delighted to have assistant cfo andy bowman here with me who is traditionally in front of you to talk about the agency budget process he is of course a critical partner in the delivery of this would love to hear

[00:48:47] your comments. Thank you. Appreciate that. We'll go through our order with questions and comments. Supervisor McHugh. Thank you, Kaki. And I really want to thank you and your team for looking at this through a different lens. Very thoughtful and deliberate approach. And it's also good to have the two-year phase in. We all know that. I have a question. So I really like, oh, I have a couple questions, actually. I really like hearing about the emergency response. You referenced

[00:49:22] climate change. Could you play that out a little bit more? Because we're certainly seeing hotter days, you know, climate change, times flooding, all those issues that are coming, and they really do affect certain populations more so than others. So I think we're not quite there yet as a county about how it is we want to respond, but thinking about sort of climate change goals and response, thinking about community risk reduction, thinking about an increase or increased focus on human service needs. There's a place where all three of those meet together, and that really is about

[00:49:59] providing some resiliency support to people in our communities. A small example right now would be That we've been collecting supplies to help somebody survive a 72-hour power outage or sort of emergency in their home, like a small first aid kit, a small flashlight, an emergency blanket, an emergency whistle, those kinds of things.

[00:50:25] And then preparing to distribute. I think we have 300 of these kits that we've developed already to distribute as part of our emergency service planning. But it is one of the ways in which I anticipate in the next several years sort of expanding our response so that if we're traditionally saying we're not going to be able to respond to a significant natural disaster for 48 to 72 hours and we ask you to shelter in place, there are people who right now who don't have the basic tools to be able to shelter in place.

[00:50:54] How do we identify them? And how do we deliver those things? So you speak of an opportunity for us that I think as a county, we're moving towards to be able to respond in a proactive way. And it was interesting to see that there are places that are fire prone. And instead of funding traditional nonprofit services, they're actively prioritizing and funding those kinds of resiliency improvement efforts.

[00:51:18] That sounds very positive and really I appreciate it very much and sounds really the way that direction that I think we would want to at least consider going. That's great. Just another question or two more questions. For the organizations that are applying as they have always applied, the organizations

we're used to, nothing's going to change about requiring an audit because we are dealing with taxpayer monies.

[00:51:44] So audits are still going to be required. And those basic foundational pieces that I think about that they have to go through for the for the application itself. Yes, ma'am. What we're asking is for those things to be foundational and then for us to evaluate rather than right now we evaluate applicants based on their, whether they're a good nonprofit or whether they're a good applier.

[00:52:06] And now we'd like to be able to apply a rubric around what you're delivering to the community and having that be at least a prioritized process where we say we need safety net programming because otherwise the county would be forced to be responsive in that way.

[00:52:24] And we also have a particular concern around vulnerable populations. So we're asking actually for an additional layer of evaluative permission. You have a great way of saying that, and I really appreciate whether or not you're a good applicant or a good provider.

[00:52:41] That's really, really good. And this is just a question about dollars because I have folks ask me from the community, and we had 70 applications representing \$4,690, and we were able to award \$2 million.

[00:53:02] Tell me how we determine that number, that amount, the number. That sounds like a question. Well, I see him over here. Because I think that does come up in our conversation sometimes with the community, is I'm sure we don't just pull that number out of a hat.

[00:53:24] Good afternoon to the board. My name is Andy Bowman, Assistant Chief Financial Officer, and thank you to Stimic for the kind words earlier. Really, when we look at the ABRT's work, they are evaluating how agencies score. We then take that work in preparing our recommendations as part of the county executive's budget to translate that.

[00:53:41] For example, an exemplary score, we may take your base funding and then apply a certain increase to that. As we look to new agencies, we'll look to a kind of a reasonable metric to implement something new. Last year, the board talked about there used to be a rule where you could only be eligible for 50% of your request.

[00:53:57] That has been removed, so that'll be something we look at differently and continue to look at differently in the future, where if an agency was not meeting their performance, we would look at reallocating that. And so it was really taking a look at those new requests, how do they align to the strategic plan, and then giving some consideration for past funding.

[00:54:14] So you have a rubric that you use. Yes, that's correct. Yeah, that makes sense. Thank you. I appreciate it. And that's all I have. Thank you. Supervisor Pruitt. I'm excited about this. I think an immediate takeaway that kind of leapt out across this year's budget process was that there was a lot of discontent with the way that we were currently doing the ABRT process.

[00:54:42] And surprisingly, it's actually something that I hear in the community too, right? It's weird to think that a very specific funding mechanism that we use would be something that people have an opinion about in the community, but it is something I hear about. So I'm excited to see a new approach. The main thing I just want to clarify, I am reading this as, you know, in two years ago, The board implemented a set of four different priority areas that they wanted to focus on.

[00:55:14] We weren't able to realize those other than through a specific discretionary pool of money set aside for them, and then it was only for one of those focus areas. My understanding of what you've presented on today and looking at the material that we have is that that concept is going away.

[00:55:33] And instead, we now have two, not even focus areas, but criteria, which is whether or not they are providing a social safety net function or whether or not they are serving a particularly vulnerable population, which does kind of cross those four areas very effectively. But I want to make sure I'm correctly understanding that that framework, along with other things that we have come to know and love about the ABRT process, is gone. Is that correct? Correct. I would love to imagine that's not gone permanently i think to be fair we went into the fiscal year 25 process

[00:56:12] saying let's leave the agency budget review team process largely alone and let's add some priority areas to have some significant investment based on human service emergent needs in our community we were unable to support any of those with the exception of the community safety contingency fund And so if that is likely to be the case heading into fiscal year 26 and 27 based on our continuing obligations, then how else do we prioritize the applications we receive to best meet the most urgent needs in our community?

[00:56:46] And so this is another mechanism for getting there. And I would hope one day there would be sufficient funds and opportunity for us to try to do both deep investments around emerging human service needs and prioritize the traditional funding process.

[00:57:04] But at this point, I think it's prudent sort of consideration or forecasting to assume we're not going to probably be able to do both in the fiscal year 26 and 27 process. And so this is one way to make sure that we're supporting those organizations that are serving the people who need it the most. Thank you. That's helpful.

[00:57:23] I'm also curious how into the weeds you've gotten with what the evaluative criteria and rubrics would look like moving forward. I mentioned this just because I know our our community partners develop their own criteria as part of their applications, and they can make those criteria as ambitious, as ambiguous as they might choose.

[00:57:50] And it it seems very easy to juke the numbers, depending on how thoughtful I am about preparing my application, unless we are like vetting that on both ends.

[00:58:06] right? So can you help me a little bit understand kind of what the math looks like and also how you would conceive county involvement around developing and kind of smoothing over those criteria that agencies are bringing us? Yes, that's an excellent question. And it is one that's in the weeds where we are right now. And that's part of the reason why we're suggesting that these changes unfold over two years is that that is actually fairly substantial work for us to do for each kind of application we might receive. And I think as part of this process, we would be recommending

[00:58:43] that the county identify the criteria, not the applicant. And we would say these are the needs we're most interested in supporting this year. Again, doesn't mean an agency that's doing something else that we like and is good isn't going to get funding, but the prioritized funding is going to be around the agencies that can best meet the kinds of interests we have.

[00:59:08] And that, in addition to the sort of three-year improved compliance, allows us, the potential of a three-year cycle around improved compliance, allows us to make sure that people are delivering on the

services that they promise in the application. Forgive me if this is too pointed.

[00:59:28] Can we do that with current staffing capacity? We can't do that for every application every year with current staffing capacity, but we can do a rotating process we can be on a cycle where every third or every then we do a deep dive in your non-profit compliance or we do on a separate year a deep dive into your impact data to make sure that you're providing that thank you i don't want to take up all the time thank you supervisor galloway thank you miss dimick the i'm glad you made the point earlier about the arts and cultural under a different umbrella i had a question about that coming in

[01:00:08] where is who is that under but like this is squarely under your you know the human services and the new team but where does that arts and cultural stuff fall into those applications are received by the department of finance and budget so the the same review process or criteria is strictly just through through there based based on the board's direction last year we really streamlined that process that used to be a committee of about staff from five departments It's one of our approaches that Ms. Dimmick alluded to is really putting our efforts in compliance prioritization where that funding is the greatest.

[01:00:44] So, for example, a contribution that would be greater than a million dollars, we would have much more agreements, reporting, and compliance in place versus a smaller contribution of \$2,500, for example. And there would be a scale of that. It's not binary. And so right now those are received by finance and budget and reviewed through a set of criteria unique to those agencies.

[01:01:04] that's i mean it's off topic from what's in front of us but that i probably would have more things to say if it were if that were the topic today um based on arts and cultural and thinking even back to our broadway blueprint and some of the conversation that happened there so i'm just kind of flagging that as that might be something worth thinking about before it's next next budget time thank you andy did you mention fairfax is one of the cup was that the first group you mentioned or the Loudoun County Loudoun County and what was their program they prioritize crisis intervention and diversion services so what's interesting to me about that is the crisis intervention is sort of

[01:01:43] the same as sort of safety net but also the focus on diversion services as a way of trying to avoid the need for and or access to like a deeper and more expensive service and you think about heart as an example of a program trying to divert away from an expensive and more restrictive environment for humans. I'm not familiar with Loudoun's, but I know Fairfax has a program like this in place that they think finally got up and running about a year ago, but it's been a couple year effort to get buy-in and it's the same thing. They hit a point early, expend resources there, and then the

[01:02:18] impact and the effectiveness of it. I mean, in their county, huge cost avoidance down the way, which then those dollars can be freed up to be repurposed for like a staffing consideration so you don't have to do something every three years the way that we've gone through budgeting and when we hear staffing needs we all go oh that's a problem we should be able to staff that but at budget time we don't add that many positions beyond what is requested so that cost avoidance to be able to find those dollars is is an important part so i'm i'm all good with everything that you're recommending here i just hope that that this will help us hone in on those services that really give us the bang for the buck down the road.

[01:02:58] And I hate to say just bang for the buck down the road, but when you have limited resources, \$4 million a request and only a \$2 million in an allocation, finding the efficient programs that'll allow us to get further on a dollar is going to be critical.

[01:03:16] But I say that being mindful of the fact that even impact sometimes can't compete with efficiency, meaning it might be a smaller cost program, But the impact on a single individual could be huge, whereas something that's coming in that's maybe serving more could score better in an application process. So I'm just saying that, and this is probably getting into the weeds of how these things are considered, that I would want both to not be a priority over the other. That, yeah, we all are in favor of getting five bucks out of \$1 in terms of what it could mean and then what it could return in cost avoidance.

[01:03:55] but we can't lose sight of programs that have high impact and in the big scheme of our budget are also on a smaller amount. I don't know that what you're suggesting here helps get at that. It's probably more into the philosophy of how the programs run or the consideration of the applications, but improving the process would probably free up airtime to be able to think about those type of philosophies. So by all means. Right now we have, there are points for leverage and those points can be realized in the application if you're leveraging using local dollars to leverage a larger state or federal amount we like that also there's points for

[01:04:35] leveraging or reducing cost downstream what we don't have right now are points for evaluating that effectiveness feature and so that's the part of the weeds where we're trying to sort of figure out. Right now, you could be an exceptional applicant and with reasonable looking numbers, but not necessarily. You might affect 10 people and somebody else might affect 100 equally, and they're evaluated the same right now. So we need a little bit more nuance in our application process, which is why we think it'll take a couple of years to get to that.

[01:05:15] I'll just comment that the Fairfax program that led them to get there was not a department level project or program. It was a board-directed undertaking because there was significant buy-in needed, not just in the government, the bureaucracy of the government, but the community and why things would be redirected there.

[01:05:34] So if it was that kind of revamp to get at that different placement of where the services are being applied, then that may have to come. There may be more of an all-in effort than just who's reporting to you. Thank you. Thank you. Supervisor Lupisto-Curtley. Thank you very much, Ms. Dimmick. I agree with how you're doing this and your priorities, the safety net for services, health and safety, that's something I believe the board has always said over and over for the past few years, and for the vulnerable population. I do agree regarding effectiveness. I think each one has

[01:06:13] to be, each application has to be looked at, how effective it is. You're going to be entering this triage with this new criteria, which actually should be able to help you get to the programs that are most helpful. That's what I'm hoping, that more effectiveness, which programs are more effective and then your effectiveness in determining those programs also. Will this,

[01:06:48] your criteria, especially the first two, will that begin in, I think you said, September would be the application submission? Yes, we're here today so that we can influence the way we train nonprofits in the application process this fall. So the way it usually happens, we provide guidance in August, we provide technical assistance in September, we open the funding portal sometime in October, we get applications by the end of November, we have our volunteers reviewing usually between Thanksgiving and Christmas, and then we have recommendations to the budget office by early

[01:07:27] January. So we're usually in a, if we're making any changes, we're making changes sometime in June and July so that we can launch that process with sufficient time for them to do all their work. So

you're seeking permission or input from us to say that your two priorities, those would be in the application process that are coming forward now.

[01:07:51] Exactly. For your consideration in the fiscal year 26 budget process. Right. And I know things take time. And should we have a windfall of finances, which would be very nice, then we can go further down on the list. Correct? Absolutely.

[01:08:06] You can always remain hopeful. Thank you. Thank you. Supervisor Mellick. Thank you very much. And I'm pleased to hear your explanation for the continuous improvement because you're faced with a really challenging thing, a small bucket and a big need.

[01:08:28] I will reiterate that I hope that you will find a way in the questions you choose to ask and put the burden on the applicant rather than on staff. If you're very clear with your questions and don't allow them to pontificate, as others have mentioned and cloud the issue with saying what they want to say instead of what you want them to answer, that that may help you. And I hope that you will find a way to get information about staff turnover, what their training is all about. Because when we hear stories of completely

[01:09:04] ineffective agencies and not having, and everybody leaves because of a leadership failure or something, then that doesn't help them. It certainly doesn't help their clients. And it makes us look bad. So we really want to try to, I encourage you to get as much information as you can, way beyond the 990. And, you know, I always raise an eyebrow when there are hugely expensive executives and very low paid staff. You know, we can't have the client contact making \$35,000 a year and one person at the top making \$250,000. That's just not fair. And so that's sort of the

[01:09:42] general um rubric of what i'm concerned about you've already answered the fact of the effectiveness for county residents because you've heard me over and over again say this is this is our taxpayers dollars many of our taxpayers are stretched to the limit already and they need to know that their their neighbors needs are being met um so that's sort of the the suggestions that i have on that and i'm very interested in the the crisis prevention diversion thing as as ned said the Fairfax program, I think, was driven as much by law enforcement. And they actually have residential places. And you may have gone to the tour up there. I know several people tried to get

[01:10:22] there. But because we have relied on Region 10, there are many, many, many beds short to be able to have a place for the people the Harts team interacts with to go locally. So there are some gaps in there that are not, that the other counties may be bigger and able to do these things, but we haven't quite gotten the way to wrangle that extra dollars in there for all those other solutions. And I think we just have to face the fact that we will always have, it's like a bottomless pit of need, and we just have to really do, and I appreciate all the work that you're

[01:10:59] doing to do the very best job that you can. All those topics that the various cities talked about were all really interrelated, you know, when one domino falls, then all the rest of them fall. So thank you very much for your update, and I look forward to hearing more about it as it progresses thank you if we could turn to this one at seven just briefly um is my understanding

[01:11:23] we lost him back one side i'm not trying to create a problem too late but it's going to come

[01:11:41] open animals email there i watched but i don't remember what it was the review oh i'm going to watch you again in a real way what do you want it to go up there so they can see it sure okay there we go

thank you okay um right side which is helpful so i don't have to do that again i bring

[01:12:19] it up just because um my understanding is that what you're looking for today is uh the board to approve of the updated framework for guiding the fiscal year 26 process uh and these recommendations so we must basically want to have everybody look at these as we go through and make sure that these are what we're saying. We all are fine with, and I certainly am fine with them. I see improved descriptions, and I do say, well, yeah, I want to see those descriptions as well. I don't want to be going to the point where our board is directing, maybe as Fairfax, but I certainly like to really

[01:12:56] understand the process and understand what the descriptions are. My understanding from this is also that the fiscal year 26 process, that the application process will be a little more involved because of these changes than the fiscal year 27 process where it can be abbreviated because people will become more familiar with it is that right uh yes and no i think we're recommending that applicants this year do an abbreviated process and not the full bore because we're working on uh the questions and the process for that but that we apply the new prioritization

[01:13:31] rubric to that okay um and uh they'll be more invested will be more invested and involved in that conversation once we launch this with the nonprofits to make sure that we provide all the technical assistance and guidance to nonprofits that they need in this process, given the fact that it'll be newer than it's been in the last several years. All right. Well, that just brings me to the notion that we just really want to be out there with communication about how, and I applaud the idea that the county is identifying the criteria, not the applicants. So making sure that that's something that all those applicants are keenly aware of what the criteria are and

[01:14:10] understand this new process. We're aware that you all are frequently asked for guidance or information about this process from nonprofits. And so as we develop the rubric, the descriptions, we'll make sure you all have that so that you all can obviously always refer to us to answer questions for applicants, but also to feel confident in that process yourselves. Thank you.

[01:14:36] I'm going to look to my right and left. I mean, I understand this to be a question of developing a consensus that this is good for going forward, and I think that is the case. Do you need anything else from us? No, sir. Thank you very much. Do we need a vote? I need a vote.

[01:14:52] Okay. Thank you. Thank you very much. Appreciate it. This brings us to our next work session, AC44 Update, Comprehensive Plan Structure and Project Schedule.

[01:15:08] This will be led by Tanya Schwartzen-Druber, Planning Manager. Welcome. I think this may be your first time here before the board, but you are there with the Planning Commission, and we're very interested in this update, as you know. So, thank you.

[01:15:24] Great. Thank you. It's good to be here. I'll bring this up and introduce myself.

[01:15:45] Good afternoon. I'm Tanya Schwartzen-Druber, Planning Manager for the Community Development Department, here on behalf of the AC44 staff team and to give you an update on the progress of the project.

[01:16:09] If it's okay with you, I'd like to run through the presentation and take questions at the end. My colleagues, Tori and Ben and others, are here to help me work through any questions that you may have.

And just as a side note, this presentation is slightly different than the one that you received in your packet to respond to some ongoing comments that we've been hearing specifically

[01:16:39] about public engagement that I will address in a coming slide, if I could. We've prepared two questions that we'd like for you to consider while we move through this presentation. We'll revisit these in the end, but those questions are, are there aspects of the comprehensive plan structure that are missing? And also, do the expected features for the development areas and rural area match up with your expectations? You'll recall earlier this spring, we were here to

[01:17:16] discuss the goals and objectives. Throughout Phase 2, we received extensive input and feedback from you, PC, the public, and other community stakeholders. We spent the next few months reviewing everything that we gathered and built on the existing document structure and nomenclature.

[01:17:36] I want to pause here and just assure you that any previous content feedback is still incorporated into the document. You are only looking at the document structure here. We're not changing any content or process. We acknowledge it's been a while since we've provided an update. We've taken the time to work through the document structure because we want to get it right. So it's clear and understandable document for our public, our leadership, and staff. Public engagement is

[01:18:10] important to our county as evidenced by the enthusiasm for the project over the past few days. Thank you for staying engaged. We can assure you that as the details of the plan are developed, there will be extensive public engagement along with PC and board work sessions.

[01:18:28] Please stay tuned. Let's look at an overview of the document structure. During phase one, we evaluated existing conditions, data, and data to determine where we are and analyze future trends to begin to understand where we need to go.

[01:18:47] Predictably, there are areas, sorry, there are areas that we are doing well and others where we could improve. Considering these areas, along with the board's vision and priorities and stakeholder feedback, helps to develop a framework for an equitable and resilient community that we will call the guiding principles at this time.

[01:19:10] These principles guide the plan and implementation to shape what we want our community to be like over the next 20 years. With that end in mind, the second part of the document, we will set our intention for where growth and protection occurs geographically.

[01:19:27] The growth management policy establishes the development areas and rural area, and we will use that as a framework for this part of the document. This section will generally address how we provide services and infrastructure and protect our current resources differently in each area.

[01:19:45] The next layer is how we will work toward the vision for our community and implement the comp plan recommendation. This chapter includes the plan elements, sorry, this section of the document includes what we've previously called topic chapters, but it also includes other important components of the comprehensive plan, including, for example, future area plan approach.

[01:20:19] This will show us how we implement the recommendations included in the comprehensive plan that we'll go into more detail in the coming slides. In part one, as I've already stated, we're setting the stage by clearly stating what we need and want as a community and how we'll get there.

[01:20:43] The guiding principles are what we want to be like, and we're established as part of phase one. You'll recall they are green and resilient, welcoming and equitable, connected and accessible, thriving and prosperous. This part essentially gives us something to aim for as a community and outlines the policies for getting there.

[01:21:03] In part two, we develop our intentions regarding the application of land use, transportation network, protecting of existing resources, and provision of public services and infrastructure, which would include utilities, parks, and emergency services.

[01:21:24] Practically, the approach to apply these tools will differ between the development areas and the rural area. In a moment, we'll look at the anticipated features of each, but first I'll mention that these are a compilation of what we heard during phase two, and we will discuss these draft components in more detail later this summer and into the fall.

[01:21:47] Activity areas are areas within the development areas where there are already nodes of activity. This is where we need to focus and concentrate housing, transit, and jobs as part of redevelopment and infill. They're envisioned to be mixed-use areas with an urban-like built environment and connected by multimodal transportation choices.

[01:22:12] We do this by allowing a variety of housing types, efficient land use, and public investment in services and infrastructure. The community design guidelines will support connected and mixed-use communities with open space networks and inform the zoning ordinance.

[01:22:32] In the rural area, we will encourage the primary land use to remain agricultural and forestry while addressing legacy land use. We will protect and restore our natural environment and limit public services and infrastructure.

[01:22:53] Both the development area and rural area, as I've just outlined, constitute our kit of parts or toolkit, as it were. In part three, we see how we specifically use those tools to get to where we would like to go.

[01:23:11] This section will contain the plan elements. As we synthesize the feedback on goals and objectives, we need to normalize the level of detail. The goals we discussed over the past several months are drafted into goal statements, and objectives are combined and clarified.

[01:23:30] Additionally, some of these objectives have turned into actions as we realized that they fit better at the action level of detail and were more oriented toward implementation rather than measuring planned progress.

[01:23:49] The gathered feedback, along with our partner departments, are guiding the development of actions and catalyst projects. On your screen are draft action types. All the actions will be categorized into one of these types and will help identify funding, resources, and responsibility for implementation. We acknowledge that varying levels of involvement will be needed from different departments to implement this plan and will need to be discussed accordingly. Additionally, we will work to develop a draft

[01:24:27] list of catalyst projects that are prioritized projects involving several departments to be initiated in the first five years after adoption. This will all be discussed in further detail over the coming months as part of public engagement and work sessions with both the board and PC.

[01:24:47] Please stay tuned for more details to come. We will draft metrics for tracking progress and reporting to leadership once the plan is adopted. And additionally, in this part, we will propose an approach for future area land, sorry, future area plans, comp plan amendments, and review for compliance. The last piece of the document is the appendix, where we'll include any other county and regional plans and initiatives as necessary. We'll include our community story, which will contain all the data and trends analysis

[01:25:25] discussed as part of phase one, along with a summary of public engagement and a document glossary. This last slide is our anticipated high-level schedule over the next several months going into next spring. If the board agrees with the direction that we have just presented, we'll move into developing our materials for public engagement and PC and board work sessions.

[01:25:57] These will likely include in-person workshops on the area framework, or what I just presented as part two. In late fall, we'll put all the pieces together and roll out the draft document. By sharing the entire document as one, as a whole, we can show how all the pieces fit together and have continued opportunity for input and incorporating the community priorities.

[01:26:24] With that, that is the conclusion of my presentation, and I will leave the questions up there for your reference. Thank you. Thank you very much. We'll go through our order. Supervisor McKeel. Thank you for the presentation, and this is a lot clearer.

[01:26:43] In listening to the Planning Commission presentation, I must admit I was a little confused. This presentation has really explained it much better in a much clearer way, so thank you. I appreciate that. Um, can we just go back, though, and I know you did address it a little bit, but we have had multiple speakers that have been talking about the lack of public engagement, and there's almost been, for lack of a better way to say it, some suggestions that staff has been behind the scenes cooking up some secret sauce.

[01:27:22] I'm just saying that that's what I've been hearing and seeing, and I want to just make sure that everyone understands and make sure I'm correct. I understand what you all are, what you've done here, but my understanding was that staff was just going to step back and take a pause and try and look at this through the lens of what makes the most sense, what is the clearest for the public based on the comments that we've received from the public. And I understand that as with

[01:27:55] much that we do these days staffing is always a challenge and time and for the framework and time for staff is always a challenge so that was the lens that i was reviewing this through and i hope i'm saying it right and correctly and feel free to step in jody welcome thank you supervisor you're so faint i can hardly hear you you're very soft-spoken my husband might not agree i'm jody filardo the community development director thank you for the opportunity to

[01:28:33] speak today and thank you for the question supervisor mckeel should i say vice chair mckeel anthology doesn't matter diane over the last few months we've we've been considering the structure of the document as informed by what we've learned from the zoning ordinance modernization project what we realized as we were going through the normal routine of comp plan preparation as we've done in past years we were on our way to another 900 pound gorilla and we didn't want to

[01:29:07] do that because we've been challenged with such a large comprehensive plan to make sure that there are consistencies within the plan and we don't have discrepancies within the plan it's been difficult for staff to learn the entirety of the plan and difficult for the community to understand what we're asking

for so what we've been doing in the last couple months is we've been exploring other communities and how they've structured their various plans and we actually have reached out to a few of them and said you've had your plan for a little while we like the way it's structured

[01:29:42] because it's easy to comprehend it's it's accessible it's you know it's it's in plain language. And we've been checking with them to see, has this worked out for you? And have in fact found that people were very excited about that. So rather than just kind of pushing on along through our regular routine, we decided, let's take a pause. Let's get the structure right. And then we'll pick back up again. We are very thankful for everybody in the community reaching out to let us know how interested they are in engaging in this process. And we've seen that

[01:30:19] all along. And we fully intend to engage them again. What I believe one of the comments at Planning Commission that got people concerned was the fact that we were saying, well, we want to share a draft of the plan, not bring it to you in pieces. Some of that is reflective of the fact that feedback we have received from the Planning Commission was, okay, we see this piece, but like, what does that connect to? Where does it fit? We don't get it. And so we're trying to find that middle road where we're taking the information and all the feedback we've received from the

[01:30:57] community thus far, moving that forward. But we're trying to build it into a structure that's easy to understand and then put that out based on all the feedback we've had thus far to the community, the planning commission, and then of course to you all taking all that and funneling it together. So we're trying a slightly different approach, aiming at getting a much more readable format for everyone, but we fully intend to keep the community engaged in this whole process. It was just on the structure. We haven't engaged the community on the structure because we were really

[01:31:33] looking at other structures around the U.S. that seem to be working well for those communities to try to get some lessons learned and best management practices to inform our process. that helps a lot. And that sort of explains what was happening during the pause, right, that everyone was concerned about. And we are always saying in Almar County, we need to look at what best practice is, and what other communities that we like to compare ourselves to, or we think are utilizing best practice, what they're doing. And that's what you took the time to do. And I really

[01:32:08] appreciate that. And your explanation was very helpful. So there will be opportunities for public engagement because we certainly in this county have never shut out public engagement. There'll be other opportunities to include somewhere towards on down the line a little bit. I'm sure it'll go to the CACs. It'll go to the planning commission probably multiple times. It'll come back to us as well. So there will be those opportunities in addition to for that other outreach to invested and interested community members yes ma'am and we will continue to use

[01:32:47] an array of media so we have an engagement website up and we will continue to post things there we have employed pop-up meetings in the past as well and we're open to doing some more of that work as well so i think we're going to try to match up the the outreach approach with the enormity or volume of what it is we're trying to present to the community but certainly the routine places we go are CAC meetings certainly planning commission and then of course to the board yeah so I really appreciate I appreciate this very much this makes a lot of sense to me

[01:33:25] it works for me and a document that is more user-friendly is much more I'm much more interested in, to get rid of some of the, no offense to many of my friends, but to get rid of some of the very

lawyerly attorney jargon and language. Well, it's interesting because Mike and I were just having that discussion earlier about simplifying language, not in this case, but in other cases.

[01:33:56] As someone who pulls out the comp plan very often, finds its weight and its size offsetting, I can only imagine being a new employee and trying to come in and absorb it and make sense of it. So I really appreciate that.

[01:34:13] I don't think large and larger and larger necessarily means it's better. Thank you. There are ways to, but at the same time, we don't want to lose the focus of what we think is important in this county. And I think you're getting at that. So thank you very much.

[01:34:30] Thank you, Chair. Supervisor Pruitt? um thank you so i want to just begin by like acknowledging i think anyone who's ever edited a very large document knows how challenging it is generally and also you know it is famously hard to kill one's darlings and i understand that this involved uh i didn't coin that phrase um uh so i i want to recognize it was probably very challenging to cut so much uh in what is

[01:35:06] coming before us and i i just want to appreciate that and i also do want to make sure we're saying very clearly it the the cuts and realignments that are happening to the comprehensive plan are consistent with the feedback that you've received from both the board the planning commission and the public right this is in an effort to align with extant feedback that has been received um that that was a statement but you're gearing up to answer it like it's a question so please. Supervisor Pruitt I just wanted to clarify a moment we haven't cut anything yet

[01:35:42] what we're trying to do is level set so we we found from our public engagement list of everything everyone said that there were some very in the weeds kinds of things and there were some more high level policy and procedurally oriented things and what we're trying to do is balance those things. This is a 20-year view of our world in Edmonton County. So what we're trying to do is set the level of what's included to the timetable. And so we're not, we aren't cutting anything

[01:36:21] notion-wise or anything else, but we are possibly reframing it into a larger, bigger context. So I hope that clarifies a little bit. I just get nervous about people feeling like we're taking we're slashing and burning through the thing we're not doing that am i not correct in saying that the goal is to make a whole more lightweight document yes so in a very physical sense it is going to be cut we have as in it will be rather than 300 pages it will be 50 pages that's

[01:36:54] it well it's more like it will be 300 pages not 900 pages is kind of where we'll be thank you um Am I correct in understanding then that it will be something we're strategically trying to do to have points throughout the comprehensive plan where we're incorporating by reference, right?

[01:37:13] As in, like, we will execute this broad goal consistent with our articulated policy in this, which may change. Is that a framework that is going to be heavily envisioned and leaned on? Yes, we, yes.

[01:37:30] Okay. Sure. I love a pithy answer. That's good. That's good. I do want to, we've received a lot of comment about public comment. And I do want to make sure I'm, can you give us a brief notional top line view of what the public comment process moving forward as we go through this kind of leaning process of the comp plan, what you envision that the role for the public to be a different

[01:38:05] steps as we move forward? I will start, but then I will turn it over to Tanya and the team because they have a lot more detail that you may be seeking. What we're really aiming for is additional community engagement in the remainder of the spring and through the summer period.

[01:38:22] We will use that community engagement to inform the restructuring of the document, the realignment of the document, and then putting those pieces into the draft that will then come forward eventually to the PC, the CAC's PC, and to the board. So I don't know if that's enough detail for you. We don't have all of the specifics thoroughly worked out yet. Sure. But the goal would be before we see something and are giving direct feedback on it, before we are voting on

[01:38:58] something, there is going to be a vigorous round of public comment and feedback comparable to what we've seen in phase one and phase two. That is the intention. Wonderful. I appreciate that. And last, I mean, it would be remiss not to kind of point out, as I think was well put by members of the public today, the real locus of our comprehensive plan does center around our growth management policy it is the heartbeat at the at the core of every piece of county policy

[01:39:34] on it and we also we don't talk about it or deal with it in a in a very direct way um so i'm curious looking at the kind of notional framework for realigning it does seem like it is it would be challenging if not impossible to to to deal with it in this glancing away as we are maybe currently inclined to do. I'm wondering if that is a fair character. It feels to me like it will need to be more directly confronted in the comprehensive planning process this year, if this is going to

[01:40:10] be the structure that we're taking. Do you think that's a fair characterization? That was a bit of a leading question. I'd like to offer a bit of a clarification on that as well. The direction we believe we have received from the board thus far is that you all were not interested in realigning or expanding the development area into the rural area and so we have taken that as our course of action it may well be that as we are looking at all of the rural area versus the development area as we learned a little bit with rivana futures there were some tweaks that we needed to make

[01:40:49] to make some of the parcels make sense and and the boundaries make sense but we're not talking about any wholesale change to that growth management policy at this time what we did say in previous meetings with you all is that we intend to bring forward those items that we believe you should keep an eye on we will bring to you for consideration that may make you want to consider expanding the development area or making modifications so in our plan we intend to

[01:41:24] identify and of course bring to you in draft and you can tweak those items that you may wish to hear from us on whether it's density intensity um population growth all of those things that may inform a different decision but thus far we have heard loud and clear from you and both the community as well that you are not interested in expanding the development area at this time thank you thank you supervisor galloway um all right well i'll just stay on on structure it's

[01:42:04] i'll state up front it's very difficult for me to go from micro to macro this would be a hell of a lot easier for me if i had that draft so that then i could work down to the micro so i kind of counter the public comment that said it's hard to change a draft once it's in place because this board has proven that the hell we don't care if it's a final version we'll change that sucker so i'm not as worried about that but it's hard sometimes to see it'd be like doing the budget and piecemeal by each budget or each department without seeing the bigger budget so it's it's just difficult based on the policy work that we tend to go from the top down not from the

[01:42:42] from the bottom up this has been a very micro to macro process um so that's difficult now i say that to say that it's hard for me to tell you if something from the structure of the document is right or not right or missing or should be there without seeing a possible look of what it might be to go away. Why the hell is that there? It should be over there. I think in the past, not just myself, but other supervisors, at some point we're going to get to the action items of this document. And I know that's where we're all salivating to get to. And that micro level stuff

[01:43:17] is going to probably inform what the proper structure is going to be, the document format, et cetera. I mean, the past time the board worked through this comp plan, you guys went through, I mean, it took, we have to remember they're supposed to review the comp plan every five years, not take five years to review the comp plan.

[01:43:34] And if we get to the point where it takes five years to review a document, we're not doing an effective job. That's not what this is about. Your guiding principles piece, I think a missing from the guiding principles is achievable and attainable. This is a plan that we're supposed to be working towards and implementing.

[01:43:51] We talk about our guiding principles of climate and equity, and we've got other items in there, But this isn't a wish list. This isn't our aspirations. This is our plan. And the action steps are supposed to show how we're going to implement it. And then that should inform our strategic plan. Then that should inform our budgeting and the allocation of resources.

[01:44:12] I'd love to take credit for this, but my planning commissioner, Nathan Moore, he, um, in a conversation and he hit me up with a text before our, we have a regular meeting and he had said, um, you know, I'm struck by the, by the framing some are bringing long-term planning should be about where, where do we want growth and how dense?

[01:44:31] I really feel like that's the secondary question. The primary question ought to be how do we make an actual community where people can work here, live here and flourish here should be the overarching goal, then that should inform through the lenses of climate and equity, which we have said would be the case to the action items, which then that's where growth, both the growth management, conversations and development rural area, land use concerns, zoning concerns, all of that should funnel down through there.

[01:45:01] So your structure is fine. There's probably not a structure that you would have brought here that I would have been like, well, so I'm just giving you fair warning. The jury's out, though, on the structure, but I'm happy to receive a draft. in the way you're breaking it down seems reasonable to me. But I will be looking to the specific items when we get to them that says, how are we going to attain this plan?

[01:45:30] And then we can line it up to the strategic plan in the budget to show how we can get it there, and folks can then count on it. And in the meantime, I suspect we will continue to hear the feedback. You know, there's no media in here reporting this. So I want folks to understand that there is a huge gap right now in how to push information out if you're not on our Albemarle County mail and there has to be levels of going in and looking at agendas and looking at meetings when these things are scheduled it used to be I know that when you guys did the comp plan the last time there were two or three cameras set up in here as well as a radio reporter that

[01:46:07] everybody listened to that desert of information I don't even see Neil here today oh seats available Neil. But the point is, is that that's not our fault. That's not the public's fault. That's the sense of what media is going to be right now. But it does put us in a point where if it's not coming into your social media or hitting your device in some way, even in despite of our best efforts, that folks have to pay even more attention to us. Because otherwise, that's how things start to go awry and be like, well, they are cutting things. I mean, if something's not stated the same way it was the last time and it's still included in the content it's not a cut it's there

[01:46:47] it may be in a different way that's more manageable and recontextualized but it's still there and it's our job that if we feel something is missing or cut to call that out hard to do that with just looking at a structure document so that's where the getting into the micro details of this document are going to be key i think for me and for the whole board but that's all i have right now do you expected features for the i mean yes i mean the second answer is yes but again the devil's in the details on that as well. So, you know, I've been kind of going with the flow of the river until we hit the rapids when we talk about these action items. Thank you. Supervisor

[01:47:26] Lapiste and Fertle? Well, I can't believe it, but I actually agree with Supervisor Galloway. I know it's shocking, but I had some of the same actually questions and such. But my understanding is the comp plan continues to go through the CACs, the PC, to us also. Will we be having also work sessions that the public is invited to? I don't know. Do we think? Maybe? Typically, we don't have

[01:48:04] public comment at work sessions. No, no, no, no. For us, for the supervisors that the public can attend. You will have work sessions. Yes, ma'am. So that's another venue for the public to attend to get information. Because I agree with Supervisor Galloway, we've been getting a lot of emails saying, we're not informed. We don't know what's going on. You didn't notify us. Well, yes, you're right. I did not specifically call you to tell you there's going to be a meeting about this. It's the public's responsibility. I'm asking, what have we done? We have the newsletter.

[01:48:39] We have the news occasionally. What are the venues are we doing to notify the public so that when they say, I don't know what's going on, we can say, you know, this is where you have to go. Or is there a particular person or department or something?

[01:48:59] The best place, I think, to go is the Engage Albemarle site. So that is our public outreach, public facing site for this project. So it's engage.albemarle.org, I think, forward slash AC44. And there is all manner of things out there on this project.

[01:49:24] we've got we've had surveys out there we have the toolkit information out there there's everything that is critical and our elemental pieces for this project we load up there okay so that's that's the best that's online yes ma'am you're not talking just about the van that goes out and gets people we're talking about something that's online okay yes that is very important because that answers the public wanting to know or you know we don't know anything i do like the idea of

[01:49:57] getting the draft form because um once you piecemeal it then people will micromanage i mean they will really go down into the weeds on something and that's not the purpose of this the whole purpose is for you know to be able to get it done is is uh what you're suggesting which is a complete draft given to us knowing that we can change it and knowing this group we probably will change it uh so i suggest that you remain really flexible in that area because it probably

[01:50:36] will be because with the draft it all kind of makes sense and i i think that's a a good one um i noticed we were originally going to have this pardon me completed by winter uh now we're going back to summer i applaud you on that because i think that's giving everybody a lot of um a lot more time to be able to do it and really have some on our part and the public's part good input i did have one question i know on page i think it was seven or eight but the activity centers is

[01:51:14] that also you don't have to go there actually but is that the activity centers is that another term for crossroad community which i dearly dislike in no okay good good thank you would you like a more clarification on that yes um so activity centers are in the development area places that we expect to connect together think of stone field versus pantops versus hollymead that where we

[01:51:52] intend to have probably height multimodal connectivity think micro cat think shared use paths they we expect them to be job centers also so that activity centers is really a larger more urban form that we are expecting supervisors so it's not identifying the crossroads communities like we had before those that that is not the same thing okay good because i visited those crossroads communities and there's some of them there's actually one of them there's nothing there

[01:52:29] so but i like the activity centers is kind of like a a small downtown area that seems to be what you're proposing right you could think of it that way and i will just add that we plan to have a work session around activity centers and future land use in in the coming months so we'll dig into the details okay that's all thank you thank you supervisor mallet thank you very much and um i feel a little better than i did earlier so thank you very much uh you know i have a lot of baggage as

[01:53:05] you know, because, and I'll refer to some of it as I go along here, missing, I will offer a slightly different perspective. This is a wish list. It is a vision. It is not the zoning ordinance in my mind. And so that's just a different perception that we'll all have to talk about more. So I appreciated what you said earlier about how the challenge of going along with the comp plan and the zoning at same time, you've learning some things to take to the other wheelbarrow. And so that's interesting.

[01:53:40] So I don't have anything for the missing right now, except natural resources protection was the overarching everything for 80 years here. And because in my mind, without clean air and clean water, nothing else really matters. You can't equalize a whole lot of challenges. It was an actual board decision in about 2014, 13, 14, we were not going to spend a lot of time arguing about which chapter was the most important because they all have benefits. They all have challenges. And

[01:54:17] it is a case by case discussion about which thing has to have priority for that particular item. So that is why it was. And I will remind folks that there were 15 notebooks. The stack was like four feet tall, that we're all combined into that. And yes, it took a long time, but our 2015 ComPlan won national awards. And it is a history book of our county and how people can look at it and say, well, what's been going on with natural resources here? Or what's been going on with historic preservation? And actually see pictures and see real stuff. And that is the value

[01:54:52] of it from my perspective. The engagement has always in this county been different than other places. So I will beg you to keep that in mind as you're looking at what other things are. You will remember that I went completely to pieces when it was suggested that this just be farmed out to a consultant because it is a locally driven process. It has been forever. And from the comments you've heard today, people take this very seriously. It is sort of the basis for existence as far as what people perceive that it creates the quality of life that we have here.

[01:55:26] the fact that we have something real to rely on. So there seemed to be, I realized after I got some comments that I hadn't received any things about go to the website and look up this new thing for months either. So that's probably why people started to feel concerned. And then there definitely was a perception as I was listening to parts of the planning commission thing that you'll be out of touch until we're ready. And so I'm glad you clarified that. So based upon that, I would still

[01:56:00] have another question or two um what will be can you provide a little more detail about i mean the renaming of stuff you know i don't do well with change but i'm going to train myself to do that uh i don't think we need to i don't think our original one was technical i mean the zoning ordinance absolutely i need a translator all the time from our county attorney but this is more readable so i would um ask you to seek a middle ground as far as not making it i i don't want to

[01:56:38] be rude here but this is really serious stuff and we need to use serious words to describe what's going on there will be people who will want to avoid accountability for anything any rules that we have so my concern about lumping a whole lot of criteria together into one sentence it doesn't work because then there's nothing to point to to say and we had this a really good discussion at the destroyed preservation committee when an earlier draft came through and there were various things lumped together. And there was really interesting points of view from around the table, very different perspectives, but they all basically said the same thing was those two

[01:57:15] don't go together in the same sentence because they just can't stand. They need to stand alone. So I will encourage you to think of standing alone whenever possible, because it does give us something we can point to when there's an application. The staff has to say this is compatible or not. But if there's such vagary in the document, we can't prove anything. And I I don't want to get there.

[01:57:41] I do agree that it's hard to contribute until there's some more information. And what you had been putting out at various stages is certainly will give us, give more confidence in people to be able to understand more about than these 14 or 16 slides that we've had here today.

[01:58:01] But I'm doing the best I can with what I have. So am I to conclude from what you said today that it will not be, there will be meetings going over what you've heard so far, but in narrative presentation with the public and with work sessions before this draft is put out, so that the elements of the draft will be discussed first. And that makes your job much easier, because at least you know to do it once or twice

[01:58:32] instead of 10 times. That's good. So as soon as you can sort of map out, maybe in two months and in four months or whatever, even if it changes, I don't care if it changes, but if there's something to start with that will be very helpful for all of us um just getting ready for today was really hard for me that the packet came out on friday and i was codely without internet until last night so because 13 30 hours on the train was wasted because there was no no ability to use it um so it's uh it takes time to be properly prepared and we all want to all the public wants to do the best

[01:59:11] job they can when they come to the meetings and they really need i think to be shown the respect of having a lot of information to work on. So, and I think mass meetings, the group larger meetings rather than these pop-ups that, I mean, it must be sad for the staff, you know, six staff people and they get three people to come.

[01:59:31] I mean, I don't want anybody spending that time for that amount of interaction, but we've had 50 to 100 people show up at big meetings when we hold them. So I think all of us can certainly help to get

the word out about those. And with the interest that we have on all these topics, I hope that people will come.

[01:59:49] The most important thing about the meetings is that people hear other people's questions and it may change what they thought altogether or go, oh, well, I don't worry about that, but I worry about something else. So I think we learn a lot from each other and it's really important to try to have as many of those opportunities as we can because it is the public's document and we want them to be part of it as far as contributing to that sense of community that we all talked about at the beginning of the meeting today and what is under challenge everywhere.

[02:00:19] We all have to use every opportunity that we can find to build it. Thank you. Thank you. And I second a lot of the comments that Supervisor Malik just made, but also other supervisors. And I'd like to just clarify in a couple of places.

[02:00:35] With respect to these questions, are there aspects that are missing? I'm not aware of them, but until I see it, I don't know for sure. Do these match up with my expectations? I'm still having trouble clarifying my expectations because I'm not sure how all the pieces fit together, which takes me back.

[02:00:55] So I'm going to go back one slide, if you will. I know that was a problem last time. I hope it's not. OK, so this is the one where I noticed the biggest changes from what was in the packet before and specifically community engagement preceding a draft.

[02:01:12] And I share the concern, Supervisor Galloway expressed, that, you know, until we see the draft, it's tough to know. But I also believe that, you know, there's a cry out for much more community engagement. And as we develop things, we should be very transparent if we can with those.

[02:01:30] The catalyst projects, for example, land use transportation frameworks, these can be put out there even before they go into the full draft. But obviously, I think everybody's going to feel better and expect that we will review pieces and make big changes, probably, to the draft, which why better not to push it off to the point where we're feeling completely crunched by it.

[02:01:55] If you go back, I'm going to jump now all the way to slide five. So this actually addresses the question, are there aspects of the proposed comprehensive plan structure that are missing? And this and as well as slide nine, but I'll start here.

[02:02:12] equity and climate action lens, and guiding principles. These are really important to me. And I'm always going to say, because I've said it before, right from the very beginning, I want to understand how those appear in all the other places as well. Since they're, you know, action lens, these are lenses and guiding principles, then I should be able to see them reflected in everything going forward, not just in a nice introductory section, But it's something that's got some punch to it all the way through.

[02:02:47] If we slide to, I guess, slide nine. In this, elements, goal statement, objectives, and actions. Another change that I noticed from the presentation with the Planning Commission was I don't see in here a description of how 10 goals are going to be taken into one sort of goal frame.

[02:03:08] I always understood that to mean that somehow they're all going to still be there, but they're going to be formatted differently. But there was some concern that somehow the goals are being shuffled or lost. And so as those kinds of changes take place, as we start to reformulate, it also would be really

helpful to have kind of mapping that tells us, you know, this is where we've seen this goal and now we're putting it here.

[02:03:35] So we've had a lot of chapters that we've been looking at goals. We've been looking at them all along. And I want to make sure that, you know, help us understand how, yeah, we still have that, it's just that we've shifted how we present it. Does that make sense?

[02:03:51] So, Chair, if I may, what I'm understanding from what you just said is that you really would appreciate a crosswalk of some sort? Yeah. Okay. Yeah. Some sort of crosswalk or mapping that tells me where these things are from before.

[02:04:09] And those are my big concerns. I obviously agree that we want to engage the public as much as possible. People are interested. I think that Sean is listening and Neil probably or will be when they get their next opportunity.

[02:04:30] But you're right. It's tougher and tougher these days to make sure that people really hear what's going on in this process. And it's pretty important. We're going to look right and left and see if we have any additional questions or comments about what's being looked for here at this.

[02:04:49] Yeah, I just had a quick question regarding the comp plan is a guide for the next 20 years, and then we do revisit it every year, five years. So I think that's important to remember also because things do and will change.

[02:05:10] So I just want to make sure that's a guide. It's not a, you know, step one, we have to do this. Step two, we have to do this. Step three, we have to do this for the community. Correct? Yes, ma'am. One of the things that staff has been working on with performance and strategic planning is how to knit together the comprehensive plan actions that we will be asking you all to adopt, obviously based on feedback from the community planning commission and y'all and your board

[02:05:47] strategic plan because we've all the staff has put out an intention that we have the board strategic plan and and it was important to get that moving but we also recognize the fact that you all are probably going to want to get the comprehensive plan goals and objectives implemented and so we're trying to figure out how to knit those things together so our expectation is that there may be something like specific projects that have a five-year planning horizon for you where you

[02:06:25] will tell us to us being the departments what it is you're wanting to get done in the next five years we will come back and say well in year one we need this kind of funding so it will inform the budget process we need this kind of capital so it will inform the capital planning project so i we're we as staff are working diligently to fit these things together better than they have been fit together in the past so i think you'll be hearing more on that to that point thank you and thank you chair and thank you um have you received the feedback that you've been looking

[02:07:03] board yes thank you thank you um board then with that we are scheduled for a 15-minute recess we come back in 15 minutes i guess that's uh essentially well 322 by my more correct clock

[02:07:21] but thank you thank you okay thank you uh we do have a lot to do so i want to make sure we

[02:21:45] try to stay on task um our next item is the disposable plastic bag tax litter collection program update mr kai mori deputy chief of operations facilities and environmental services uh welcome oh good afternoon chairman andrews by chairman keel members of the board county executives okay uh

somebody changed something because where's the start button i'm having that problem today call ben oh wait there it is that's new there we go all right can everybody hear me

[02:22:22] today. Last time I had a little trouble with this thing. Good afternoon. I am Kai Maury. I'm the Deputy Chief of Operations for the Facilities and Public Works Group and here to give you just an update on our progress towards a roadway litter collection program. Obviously the purpose here is to discuss how we develop this program and where we see it going to try and help produce some of this environmental waste and litter that's collecting along the roads which is ultimately making its way down towards the local waterways ultimately the program it's projected to be

[02:23:02] supported by the disposable plastic bags bag tax revenue there we go all right litter problem in general it's more than just an eyesore it's a safety hazard it's an environmental issue it can even be a health threat depending on how you want to look at it you know solid waste trash debris they all build up they can interrupt trash flow they can cause issues with animals they can ultimately, I mean, for the animals themselves, litter can be construed as a food. I'm sure everyone has seen all the stories, especially with the ocean mammal life, with these large

[02:23:38] pods, I'm not sure the exact name of it, of refuse that have built up in the ocean that the creatures are eating. It's causing many issues for them. It also causes issues for us, especially from a more of a public works right-of-way type aspect. It clogs the infrastructure, clogs the stormwater drop inlets sewer systems wastewater treatment plants wastewater treatment plants and it backs them up you've got to increase risk of flooding i can ultimately you can shut down a road because you just don't know what's there and if these things are unaddressed and you leave these pools of water you leave yourself open for such things as you know becoming a breeding ground for

[02:24:18] mosquitoes because they just love a little bit of stagnant water to develop the larvae and start going, making lots more. Basically, by the numbers, most of this I took from the 2020 study by the Keep America Beautiful group, which is a follow-on to their 2009 study. Overall, they have seen an improvement in educating people and working to try and reduce litter in those two time periods, but it's still estimated there's a good 24 billion pieces of litter estimated to be along

[02:24:51] the United States roadways and another 26 billion pieces along the shoreways, the shores of the U.S. waterways. Just rough count that comes out to give or take about 2,000 pieces of litter per mile. Most of your local roadways have the most litter, primarily because they tend to have the most volume of traffic. And there is a loose correlation between traffic volume and, you know, the volume of traffic kind of builds up. And we'll kind of build on that a little bit later. And another interesting note that was in the study is the vast majority of your waterways are rather close

[02:25:26] to roadways. So it could be fair to say that a lot of the trash on your roadway is going to end up eventually in your waterways if left to its own devices, so to speak. Disposal plastic bag tax, this was enacted by the, or I guess the 2020 General Assembly enabled this for counties to be able to enact this tax primarily to try and address some of the climate and environmental impacts due to these disposable plastic bags that many of your vendors will use to you know bag groceries

[02:26:03] etc for their customers and ultimately they would like to encourage the use of reusable bags so we just don't have all these I don't know how many times you've seen it I've seen a plastic bag just floating by in the breeze just out of nowhere and then they just keep going for the code it's very restrictive on what this revenue that comes from this tax is allowed to do. There's four very specific things you're allowed to

do with it. You can do environmental cleanup. You can provide education programs to ideally, ultimately reduce the litter that's put out there. You can mitigate

[02:26:37] pollution and or litter, and you can distribute reusable bags to eligible participants of both the SNAP or the WIC program very specifically. These are the only items you're allowed to use this tax revenue for. And the board of suit advisor did approve this tax commencing January 1st, 2023. Just a quick look at the revenue overview. When this was enacted, there wasn't a whole lot of data. I think the expectation was going to be about \$20,000 per year. It was exceeded within

[02:27:16] the first six months of the program going in service. FY23, they brought in approximately \$47,000. For fiscal year 24, we collected approximately \$120,000, and the projection moving into the future is going to be very much on the levels for FY24, probably slightly higher.

[02:27:35] So I did a little, I'm an engineer, so I just did a little back of the envelope calculation, \$120,000, that's about 2 million bags. Okay, so on to our actual development methodology.

[02:27:52] We kind of want to look at it. We discussed earlier that correlation between traffic levels and volume of litter that tends to build up. So we approached it from that angle, trying to look at the roads that are going to have more volume. But first we start out, we want to find out, were there any existing litter programs? Are there any formal programs in the county?

[02:28:13] We found there are three primary programs in the county. Albemarle County itself, we have a litter and mowing program. VDOT has a litter and mowing program, and VDOT also sponsors the Adopt a Highway program, which they are very happy. Albemarle County happens to be a very good participant, the residents of the county, to their program, and they really appreciate that.

[02:28:38] We took that data and we analyzed it, compared it to VDOT published data for traffic throughout the county and the state, and we tried to determine roads that have a fair amount of traffic but aren't being serviced by anybody else, i.e. they're not being serviced by some of the larger programs that are already existing.

[02:28:57] And then we will take that data and determine a level of service based upon the average daily traffic. And to get that average daily traffic, like I mentioned, we use the VDOT published data. And they published it for the whole town and they published it for years. So there's a pretty good backlog of pretty reliable data that they have out there.

[02:29:17] And we grouped our roads basically into four tiers, basically roads that are greater than 4,000 ADT or average daily traffic. That's the average number of cars that will travel that portion of road in a given day. We call those our tier road or those almost call it a priority road.

[02:29:35] That's where we're getting most of our local traffic that they talk about in the Keep America Beautiful study. Tier two roads would be just a little bit lower than tiers three and four below that. We considered basically below a thousand cars would have some buildup, but it would not be nearly as significant as the more well-traveled roads that we have around the county.

[02:29:57] So basically, the selection criteria we were using when we were going to look at these roads are, obviously, number one was the average daily traffic. The more traffic, the more probable we're going to have litter. Those are going to be higher on our list of roads.

[02:30:13] Our second criteria is it's got to be a public road. It's got to have been accepted into VDOT's maintenance system as a public road. All the private roads would be maintained by their owners or their HOA, or in some cases, you know, the Adopt-the-Highway volunteer groups are out there actually policing those roads up.

[02:30:32] And in general, we want to use public roads that are outside of most of your residential neighborhoods, mainly because a large majority of the residential neighborhoods have an HOA who maintain their common areas, which includes usually a litter and mowing project, especially along their main thoroughfares through their developments. Okay, finally a little graphic here. So these are the three major programs throughout the county. I kind of laid them out on a map so you can kind of see the roads that are covered by the three major groups. So out of the 900 rough miles of roadway in the county, about

[02:31:11] 400 miles have some sort of formal scheduled litter program going on during the year. VDOT has the largest. Obviously, they own all the roads. They cover about 240 miles of the county roads. They do it about three times a year, typically around May, once around July, and then once around the October time frame. Albemarle County, we maintain litter and mowing collection along most of the entrance corridors coming into the city of Charlottesville. That's about 40 miles. We do it approximately every two weeks. Obviously, you know, that is condition dependent. For instance,

[02:31:47] lately, it's very dry, so we've actually held off on our mowing because it really wasn't necessary. We try to get out there twice a month. And then the Adopt-a-Highway groups, they cover about 126 miles in the county, all on their own. And they typically pick up twice a year as part of their charter with VDOT, usually in the spring and in the fall. And from this and comparing the data that VDOT publishes, we come up kind of with the next graphic. These show our tiered roads that aren't being serviced by anybody. We found, you know, above a thousand cars per day,

[02:32:25] they're about 65 miles of roadway that nobody is looking at. It's kind of distributed all around the county obviously there is one district that is a little more rural than the rest they get primarily you know the major roads will be serviced by vdot but otherwise they don't have as much traffic our basic kind of recommendations moving forward basically looking at the tiered roads that have no service i.e nobody's touching them we're recommending tier one and two roads we'll do about

[02:33:01] four services per year so about once a quarter somebody would go out and they would actually collect the litter along those roads since nobody else is already doing it uh tier three and four roads your your somewhat slower roads will do about two services a year um and we also were considering during the winter season nobody's doing anything because you know grass doesn't grow in the wintertime so nobody's doing their litter nobody's doing their mowing program which is usually dovetailed right in there with a litter collection program uh the thoughts were doing up

[02:33:36] two collections on all the Auburn County in the beat out service roads in the wintertime because I'll be honest that's when we get most of our resident complaints is in the wintertime. I've received several calls you know trash along Ryle Road that's the one that comes to mind. I got several calls there to augment the existing services in the wintertime just so we have kind of a year-round holistic type program. And moving forward we'd like to initiate a one-year pilot program to kind of engage an outside contractor, and then we'll assess the results at the end of

[02:34:14] that year. We'll weigh those results based upon, you know, the loader collection totals we get from the contractor, you know, the overall effectiveness of program as determined by, you know, county

folks going out and taking a look at the roads, you know, you know, are they collecting everything, you know, how, you know, how do we feel about this? And then look at the opportunities to you know overall improve the service based upon those results you know can we mix is there a way we could possibly mix a little bit of litter education on the higher travel roads

[02:34:48] you know can we include a little bit of signage possibly that alerts uh our residents that there's some roads that you know i hate to say you're throwing a lot of trash you're throwing a lot of trash on here and you know there is an ordinance that you know potentially you could get fined for throwing said trash out. You know, can we get a little bit of education to kind of go with this in the future once we develop a little bit more of a database? That's most of this. I figure I won't take up too much more of your time. Just want to throw a little bit in on some other public works items we have. You know, we have Sweeping Beauty. She's sitting outside. They have proven

[02:35:25] statistically street sweeping is an effective way of your curbed roads from removing all that trash and debris that tends to build up the curbing is great because it keeps it from going off the road but it's bad because it directs it right to the stormwater which will go directly to the waterway as vice taking its sweet time so to speak to actually get there it came online last august so far in the last year we've cleaned about 730 miles of curbed roads around the county and we've collected over 250 tons of debris and trash and tree limbs and everything else this machine will

[02:36:02] pickup. It's doing a phenomenal job keeping the roads clean. I've had a number of compliments from citizens, especially our bike riders. They really do enjoy, especially the small gravel that tends to build up on the edge of the road is no longer there. Some other programs we also are into just for your information. We do have that mowing and litter collection program that we do around the county. We do about 60 miles, primarily the big heavy use entrance corridors. We've taken that over from VDOT because we feel that it's better served for us to take care of the county. They've

[02:36:40] got so much other things to do. We also do the street name signs and the watch for children signs throughout the county. We replace or repair well over 100 signs a year due to vehicle accidents and or somebody just has to take one home every once in a while. We take care of that. And the ones that lean over, I can't tell you how many times the weather, if it's particularly wet, they just want to lean over. We're really trying to gear up our vegetation management program.

[02:37:09] We try to do things along the right-of-ways to get to those items, particularly that VDOT doesn't necessarily always get the things. If it's not causing a safety concern, it's not causing a line of sight issue, it's not necessarily a priority for them. We try to get to those things that crop up around the county, such things of, you know, getting some trees cleared up that are on the side of the road you know some of the auto accident cleanup that needs to be done and in general overgrowth cleanup that's just doesn't get done we try to get out there and do that including you

[02:37:43] know we also do the maintenance on the raya road and the 29 planters those are those are tough on maintenance is hard with those units we're actually working on a new plan to ideally populate that with a more native grass it's a little more appealing takes a little bit less maintenance uh than the existing planning so and we also we spend quite a bit of time assisting residents we get various calls for service and we try to help them if we can and if we can't we i try to make sure that we get them to the appropriate agency that's going to be able to solve their problem because that seems to be a big frustration is like you know i've called five

[02:38:20] people and nobody can help me you know can you can you do something for me and we really try to do that, especially if it involves the right of way. And that is it. Thank you. Board, we'll go through our order for questions. Supervisor McHugh. Yes, thank you very much for your presentation. And I would ask, I'm sure of other board members, I'd love to have the presentation if you don't mind sending it out to us because it had some great data in it. Sure. That would be great. Just a quick comment because we used to have, just for information, we used to have a

[02:38:59] really a robust litter pickup program through Almore Charlottesville Regional Jail. And people loved it. They could submit areas to be picked up. It was a win-win for our inmates because they earned money and good time rewards. And we had a program that helped clean up litter. We, just so folks know, we no longer have that ability at Almore Charlottesville Regional Jail because we don't have a population now in the jail that we can send out, even under the watch of a guard.

[02:39:33] So just so folks know. It's unfortunate this does not, this program, what we were hoping, I guess, is that we'd have a program that we could eventually say we don't need it anymore because we don't have any litter, right? At least plastic bags and that. So we haven't really changed maybe the behavior as much as we had hoped having said that the revenue we're receiving is certainly worthwhile um and that's very helpful um as we're can i just ask a question about and i know we're

[02:40:13] just talking about the disposable um bag plastic bag tax in that um program but i just had a just a couple of thoughts um as we're talking about the crews going out and picking up litter will they also be picking up what i call the uh visual sign litter this all those illegal signs that appear everywhere it's a different department i understand that but it's a different department but when we're when we have folks mowing the hope is that they would be picking up signage and i see lance

[02:40:51] nodding his head so i'm just asking if while they're there if there is and maybe jeff i see jeff leaning in so maybe i'm asking too much no ma'am it's it's an issue that this board deals with on a regular basis, especially at a heightened time during election season, but all times during the year, there are illegal signs. I will work with Ms. Wall to see if there's an opportunity to collapse that. And I'm not an expert on it. Ms. Wall can certainly speak to it, but we'll look at the issue. I can't speak to whether it will or will not happen,

[02:41:29] but I will say this, that it's complicated because unless you know where the easement is versus private property, you don't know exactly what signs to get and what signs not to get.

[02:41:45] And so we will have to explore that with Jody Filardo's Department in Community Development. I understand the question, and it's a very fair question. Thank you. And I really appreciate it, but there are some tricks to the trade, like medians.

[02:42:02] And if you look at telephone poles, the property on this side of the telephone pole and the property on that side. So there are tricks to the trade. That's a great point. So you may be playing it out in real time that the answer is not yes or no, but it depends. And we can explore that further with Mr. Stewart, Ms. Filardo, and see.

[02:42:23] And, you know, the hope is anytime that we can use resources in a way to get our most bang for the buck, that's helpful. we can explore that and i've made eye contact with miss wall mr stewart's in the room we'll see what we can do thank you yeah and i'll only say one more thing about it it's just a shame to

have people out there and not being utilized to the fullest right yeah exactly um i think i am i think that's all i have i think this is great it's a great presentation i'm thrilled with

[02:42:57] the program. And certainly, we really are doing a lot in the way of getting plastic bags, as well as other litter off the streets. And I just think our community really appreciates that. Thank you very much. Yeah. Thank you, Professor Pruitt. Thank you for the thorough presentation. Would you mind if we hung out on the slide that has the visual of the different tier roads? The one before this actually i think the ones that are currently covered thank you um i do hate doing this but i'm

[02:43:33] going to politely push back on one of your core uh planning assumptions here um when we are looking at the adopt a highway program roads are do you have the data that vdot is reporting for individual collections on those i know that their charters say that they are obligated to do two annual collections. I also know that they don't, because I've been in an organization that does it. I've talked with the Culpeper representative about it. I know that my organization was four years

[02:44:09] out of compliance, and I know that that is also not uncommon. So I guess what I'm saying is, do we know what the coverage of this looks like, or are we taking the charters as accurate, which I might suggest is misguided? We do not have the accurate data from VDOT.

[02:44:31] concerning the actual collections for each individual Adopt-A-Highway group? I'm curious if that could be incorporated fairly easily to identify because the Adopt-A-Highway roads are often fairly trafficked roads, right? That's how they get adopted because people care about them. And if the coverage on them is not adequate, or if the organization committing coverage has kind of lapsed in their membership, lapsed in their capacity, lapsed in their memory that this is a thing they have to do, then maybe that is something that we should be including as one of the roads that we're proposing to cover.

[02:45:11] Because they're probably, I would expect a lot of them might be higher priority in a community sense and also in a vehicle capacity than the ones we're currently proposing that we'd cover. But I recognize that that's a data lift, and I don't know how easy that is to incorporate. So, I mean, I trust the department to use this best judgment.

[02:45:29] Can you help me understand, are we including organic waste? as a form of litter. I mean, we look at like backed up culverts in your presentation. I know that a backup culvert in my neighborhood that is mostly organic waste. There's like two plastic bags wedged in it, but it's like several pounds of organic waste. And I've had constituents out in the rural area talk to me about ditches that have been clogged with leaves during late winter. And I'm curious if, I'm not trying to put a normative stank on that one way or the other but i'm curious if that is uh contemplated uh for inclusion in the program

[02:46:07] at this time it was primarily going to be i hate to say standard litter it was going to be non-organic litters so your plastics your bottles your paper bags your plastic bags the the notional thing you kind of consider we consider litter not we currently don't have the manpower to as much as we would like to get to items such as that uh to be able to address those okay thank you welcome I just wanted to make one more point about that.

[02:46:41] You know, of course, our focus has been on developing a program to utilize the plastic bags tax, which has restrictive uses. So if we were going to explore a program that falls outside of what's allowed by the state code, we would need to come forward with a recommendation of the county executive for what a program might look like and how we might fund it outside of the plastic bags tax.

[02:47:06] And I'll ask while I'm here, Kai, to talk about one thing about this specific map. Kai, as I recall correctly, there's some overlap between roads that VDOT does and roads that are adopted highways. So could you extrapolate on that, that there may be more that VDOT does than is obviously shown here?

[02:47:31] That is actually true of the road that I was thinking of in my mind. When we went for our first pickup in a few years, there's nothing to pick up because VDOT had mowed the week before. Picked up before they mowed. Yes, he is, Mr. Stewart's absolutely correct.

[02:47:47] When I was drawing this map, I kind of took it from the viewpoint, if it was a contracted service, it was going to trump the dock the highway. So the map shows, obviously, Abramal work and VDOT's work primarily with the Adopt-a-Highway kind of to the side.

[02:48:08] And there was, I won't say there was a significant amount of overlap, but there is overlap. But in that case, yes, I put the contracted services on the map instead of the Adopt-a-Highway. Like, for instance, I know Berkmar has a large section that has an Adopt-a-Highway group, but, you know, we as a county go through there every two weeks.

[02:48:26] So it kind of took precedence over their services. Awesome. Thank you. I appreciate it. Thank you. Supervisor Galloway. This is great. All the information you're providing. I think the game plan is solid and I appreciate what you have targeted for where the funds will go.

[02:48:48] Like our cigarette tax, it's not really curbing, as somebody said, the behavior. So I expect this budget pot could even grow until the education or whatnot has to happen to get it in place. I'll make one quick request and go through some comments and questions. The following slide 12, these are the ones that are not being serviced by any group.

[02:49:10] Would it be possible if it's not too much effort? There's a good portion of RIO, but I can't really tell what those are. Would you be able to either break this out so that we could see that? Would you prefer like some close-up maps of given districts?

[02:49:26] so that i could see the action even seeing the road is not necessarily needing the name because i'll be able to figure it out but right now i'm like well is that northfield or is that absolutely it was difficult for me to get the entire county and make some of the roads discernible it was it was a balance and i'm sorry if my magisterial district was enough of a go down in elevation that might work but it just would be helpful to see what actual streets we're talking about. We could probably name it based on it. Can I interrupt to ask, is this what attachment A is

[02:50:02] listing or is that different? Attachment A lists, we're pretty much almost at the, that was going to be one of our next steps is to completely finalize the list. Attachment A was the roads we determined that met our criteria. So that includes all of these, but it doesn't include every single one because some of these are residential roads. We could just pull that.

[02:50:22] yeah oh and it lists it ranks it associates it or marks it back to tier one tier two did i miss that they're all included in there but i didn't put the tiers to the side i'm just trying to consolidate the list so you could just actually i'm having to do the cross-referencing if the info's in there to do it i can circuit give you a more populated list if that would be helpful i just want to know what those roads are yeah that would be helpful um all right where should I go next? I think relative to if this budget grows, so I'm not saying that I'm disputing

[02:51:01] where you're putting the funds now, but I would say yes, and the add-ons would be if more come into play. I think there's an opportunity here to grow the stormwater management program as it relates to when the litter does get into the waterways and the downstream impacts for folks that aren't responsible for that litter, this especially in the urban ring. So for example, you know, from Woodbrook up to the river, things in parking lots find their ways below them, especially on one section of the Woodbrook neighborhood, because they sit down. So the wind,

[02:51:41] the water, everything's pushing down in there. There's no real, for the waterways, there could be methods to capture that. I know the stormwater team's looking on it, but they're somewhat budget restrictive. So I would think that the funds from this for environmental mitigation, litter mitigation would be proper. These are the things that capture the litter before they get downstream coming from high impact area. So I'm just saying this could be the add-on. I'm already looking ahead to this funding resource, probably growing some. I know that if our law enforcement sees somebody litter, that there are laws and there are, you know, what has to happen with that.

[02:52:19] But if I see a public business, a business that's not doing their proper litter upkeep on their property, is that a zoning violation? Is that a law? I mean, where would we stand as a county to be able to go to a XYZ company and say, you're not keeping your property up and all that litter is creating work for our litter pickup team over here?

[02:52:45] do we have any do we have any authority in that it is that a maybe ask steve and get back to the kind of question i don't know if you'll have that i i'll get back to you on that um i think potentially depending upon the conditions it could be a zoning violation but it wouldn't necessarily be under law enforcement like if somebody throws litter out there that's correct that's correct interesting when we had the woodbrook apartments in front of us we were talking about how in a an apartment development it behooves the management company to keep the

[02:53:22] litter out of their stormwater detention system because it's costly to you know to empty that clean that and the faster it fills up the more of the cost they take on so they've got some incentive but if you have a and i'm not not saying walmart this is an issue at walmart but if if you're a walmart and you're not proper there should be an incentive to keep your customers happy of keeping the place clear and free, but I'm not even suggesting it's purposeful, but stuff accumulates in parking lots, then it goes. So if a place is not doing their part before it goes, then I would

[02:53:58] wonder, well, we should be able, just like the signs, if a business has got a sign up that's not proper, we go to them and say, hey, that sign's illegal and we take the sign down. But I would think there should be a way to do that too, because I think a combination of dealing, we're dealing with the issue after it happens. We're dealing with the impact of a behavior and trying to get at the behavior is difficult on an individual level. That in your education plan, I think is spot on. We should do that. So fully endorse that as an idea, but we need to do this for businesses as well, because it's contingent on them to handle any litter that accumulates on their property

[02:54:36] before it becomes everybody else's problem. And this is a bigger deal in the urban ring, and it really does impact drainage that are not well whether it's piped or open it's that that's where it's going it's ending up over in either wooded areas or uh or into the waterways to move down into whoever else's issue so i'd be curious about that what we could do to augment this because then you start targeting places

where you're really having the issue but if we could stem some of the creation of the issue just like the street sweepers getting is dealing with the

[02:55:09] end issue. Um, you know, I would imagine, I don't think our, our police, you know, I don't want to be adding on, but if they see just blatant littering, I'm sure they're doing something about if it's caught, the hard part is catching, catching the person in the act. Um, all right, enough of that. Um, but that compliance piece, just like upkeep with weeds and their own mowing when it's on private property has always been something to me that's sticky in terms of they have a responsibility if there's property we put all these restrictions and high high guidelines

[02:55:45] especially on entrance corridors but then what can we do if they're in violation of what of what they're doing um oh and the same for approved developments that haven't got underway yet and then think that they can just let that land languish until it's underway and that becomes both upkeep and litter as well uh so there's signage piece about high incident areas and all that and that piece of that i mean yes i think that's a good idea um and then i do want to make sure that anything that is vdot's responsibility under the safety or emergency type thing we're

[02:56:24] rerouting to them to handle um i'll use trees coming up out of storm drains as as a i mean vdot is very responsive so i know that like for one there was one that they grow that grew up enough that it was hitting cars as they passed by and they took that down as soon as they knew about it but i would think your program if we identify something like that can chalk it up report at the vdot if they're not ready to just deal with the issue right then and they're on the spot we're not capable of dealing with the issue right on the spot that vdot can get out there and handle that same with like culverts and if culverts get backed up because of litter debris it's really

[02:57:00] contingent on them to handle that if it's on their um their right away a sign in the median i get it somebody is there you can pull the sign out and take it if you know it's not supposed to be there but clearing a culvert, if it's really, that's an undertaking that VDOT has to do. And I know they have issues with people being out in their right of ways from a safety standpoint. So I don't want our resources in saying this, that, you know, using reasonable judgment, being expended on something that is entirely under their purview, unless it is a lower cost item, like, all right,

[02:57:38] they have a mowed this corner, we're going to go ahead and get a mowed because we're out here and we can knock it out. That's correct. That's typically what we do, especially if it's a safety or a line of sight issue for the roadways. We direct it right to VDOT, and they're very responsive for the most part, especially if it's a safety issue. And just thank you, because world of difference on Ryo Road this year compared to last summer. Huge difference. And you start to see now what some of the still of the underlying issues that were created because of what was existing before, but huge difference. And I know that I know the residents that live and travel along there. I'm very appreciative of that. Thank you. Thank you. Supervisor Lopito-Curvin.

[02:58:18] Thank you. Just a quick question on the median. If it's a VDOT, this is in a residential area, and there's grass growing. Is that a VDOT issue? Is that our issue?

[02:58:38] A lot of roads are VDOTs. Most of them are public. It's a VDOT issue. Typically, but that is not going to be typically unless it's for instance you know this tall and it becomes a line of sight issue for the drivers in the road they haven't outright said it but it's not a concern to them and they will get to it when

they can. Okay is that something that we because I have you know it has been very high some of the grasses and is that something that we would take care of if VEDA

[02:59:14] does not? Yes ma'am those are those are the type of things we look out for that they're not getting to that we have been trying to use our assets to go out there and try and take care of that okay thank you no other questions supervisor malik thank you and thank you for this it's encouraging because there are lots of people who've lived here a long time and they really grind their teeth seeing how the pride in the in where you live seems to have disappeared because of the trash that people throw around and and we we do our verges every single day somebody comes every

[02:59:51] single day and throws beer cans out at the end of the road. I mean, it's just end of our driveway. That's just protest, I guess. So I'm assuming from your statistics that there is not a way to that we have not seen any reduction. There's no way. Is there a way to identify any reduction in the use of plastic bags? Because we didn't really have a count before the taxes. So that may be just the impossible question. And that's fine if you tell me. And then I'll come back.

[03:00:22] I do not know the answer. Okay. Well, that's all right. Secondly, I was not at the NACO conference. I did pick up contacts for a company who makes hemp bags, and they're particularly for, it's called Assistance with Dignity, and it's a way to provide assistance for people who are on various support programs.

[03:00:47] So I will get you that information, because I think it's very clear. we the county should not be giving away plastic bags which is what all those recycled grocery bags are uh in order to because they're going to disintegrate and do all the same things that regular plastic does so i will share that with you and you can do what you want with it um very excited about the rural roots earliestville road is that gap between the red and the red dot there at the airport. And for years, we had a company who, I mean, like 25 years, the GMC company took

[03:01:23] twice a year, they went out there with all their staff, and they did miles and miles of that. But then they moved away. So this has been lost. And I think recruiting people to help with the adopt a highway program is challenging when the danger is so great. And you're probably familiar with Markwood Road between Buck Mountain and Boonesville. And the banks are like this steep, And there's nowhere to go when the people are zooming down the road.

[03:01:50] So that creates a whole different level of hazard unless you have a vehicle with flashing lights and can just force people to slow down while you take care of that. So that's one of the reasons why that one, that particular road has gotten a little more things showing up.

[03:02:07] And I agree with you about the complaints because in the wintertime when all the leaves are gone, that's when we really see all the stuff that's built up and was grown over during the summer. So I'm very grateful that you're thinking about doing a winter pickup program. vegetation management also i mean i understand why when a storm happens the whoever it is who's cutting the great big tree off the road wants to get on to the next one but there are still hundreds of places in the rural area particularly where the cut face of a 12 inch diameter oak tree is at the edge of the pavement and there's nowhere to go if somebody's coming at you so i really i don't know

[03:02:45] if that falls into your thing of you're taking an extra foot off that thing and just pushing it up the bank or whatever, maybe you all would have the extra credibility with VDOT to ask them to push it back.

Because when you have derechos and things, it takes 20 years to go and pick up all that stuff. And the utility companies, sadly, just leave the mess on people's front yards. Just huge chunks with elderly residents. There's no way they can come and pick up a six foot long 15 inch diameter piece of oak that's just left piled up on their front yard because they had to fix a pole.

[03:03:20] or something like that. It's just irresponsible. And I don't know where the lever is to make that get fixed. I will pass along to you for a future investigation. I've received some contacts about the bushes at the roundabout at Berkmar and Hilton Heights that people really would appreciate being able to see through the intersection in order to see who's coming at them, especially with pedestrians, a combination of pedestrians and vehicles. But there have been some near misses there and the people who have reported it have chalked it up to not being able to see that there

[03:03:57] was somebody coming south who was actually going 50 instead of 15 and so that's a little scary so I'll leave that on your please look at it list and I assume that that's within the county thing because that's part of our streetscape stuff but if you shift it to be that that's fine with me I've talked about that the when I was on the train to Tampa I could not believe the miles and miles of swamp around the train, both sides, covered with acres of plastic bottles and plastic bags

[03:04:32] that had come in on high water, I guess, and just sort of pushed up against the bank where the train was. So gross. And trapped there by a big fence as well. And so getting to it to remove it is going to be a nightmare for somebody. But I thought, man, if we can prevent that, that's that stormwater sweeping and collecting with grates or whatever they can do at the drop inlets to try to collect the things. When I lived in Western Massachusetts years ago, this is home rule, so they could do all these things. But the county town meeting required that the restaurants in town, if they were serving anything in paper cups, they had their identity printed on. And this was also so

[03:05:12] that when a whole bunch of things from one particular restaurant or cafe or whatever started showing up on the street, then they had to go and put up a trash can outside and take care of things. It was more of an accountability measure. We probably don't have the authority to do it, but it worked very well up there.

[03:05:29] I'm very glad to hear actually that VDOT is doing some pickup before mowing because there's nothing like seeing one piece of paper towel turn into 5,000 pieces of paper towel when it's gone through the mower. And that really makes it so much worse. I'm looking forward to what Jeff will report back on the multi-use where staff is out doing inspections or whatever to be able to document the intersections where the signs are multiplying like coat hangers in the closet.

[03:05:59] Every time one is allowed to stay, then 16 others come. And I think it's probably pretty clear most of the time when it's out of the county tree cleaning, tree, tree companies, and they put up 5,000 on one weekend that that's, you know, just somebody papering, papering us and trying to lure business away from our local folks.

[03:06:18] So I hope that there'll be more of that since I haven't visited the sign jail in a while, but I'm happy to be turned loose to do that again with proper photographic documentation as we used to do for years and years. take a picture and hand it in. But that's all that I had to offer. But thank you so much for doing this. And I really look forward to, I'll try to recruit somebody for Elyseville Road, but until that happens, we're glad that you're going to be doing it. That's great. Thank you.

[03:06:47] Thank you. Thank you for the presentation. I appreciate that we're focused on the litter tax, the plastic bag tax and what it's allowed to be used for. This is a one-year pilot program, is my understanding. I fully support it. I think it's a great idea. I hope there's a process to consider which roads should be added. I heard Supervisor McKeel mention how people would make requests connected with the jail program. If there's a way for people to be able to make requests associated with this program, I think it would help. And perhaps, you know, some connection to the reporting system, because obviously, if it's VDOT's responsibility, VDOT should be taken care

[03:07:25] of it. And we want to make sure that we coordinate as well as possible on learning which places become problem areas for litter. I'm curious whether there'll be more instances of major spills versus just the one cup at a time type of problem. My only last comment is just, of course, you know, we're hiring a contractor. It's going to be really important to understand what the contractor's reporting and how much we can rely on those reports, but also to make sure that that contractor is being responsible because obviously their employees are at hazardous risk walking along

[03:08:01] the roadways and i frankly wouldn't want to be the driver who hit somebody who happened to fall into the road so um you know we want to watch this very closely for that um but i think it's a great program so jim just real quickly then we'll take but a second we had on the acrj website a link that people could go to oh sorry we had on the acrj website that said litter pickup and you could go to click a link and send an email directly to the person at acrj that was in charge of that which and it worked beautifully and he kept an ongoing list right so thank you do you

[03:08:40] have anything else you need from us i appreciate the report further today we all like to have it to study further so appreciate that board this brings us to our closed meeting which promises to be a long one so we will go after our public hearings tonight if we do not finish so i don't

[03:09:00] Let's see what we can do. Chair, I'd like to move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2, TAC 3711, Parents A, of the Code of Virginia, first under Subsection 1, to discuss and consider appointments to various boards and commissions, including, without limitation, Agricultural and Forestal District Advisory Committee, Crozet Community Advisory Committee, Economic Development Authority, Historic Preservation Committee, Jefferson Area Board for Aging Advisory Council, Pantops Community Advisory Committee, Piedmont, Virginia Community College Board, and Solid Waste Society.

[03:09:31] Alternatives Advisory Committee. Second, under subsection one, to discuss and consider appointment of an interim county attorney. Third, under subsection five, to discuss the expansion of an existing industry in the southern part of the county in the Scottsville Magisterial District where no previous announcement has been made of the business's interest in expanding its facilities in the community. Fourth, under subsection eight, to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible exercise of authority under

[03:10:05] Virginia code subsection 40.1 tack 57.2 to implement collective bargaining and fifth under subsection 39 to discuss or consider information subject to the exclusion in subsection three of subsection 2.2 tack 3705.6 related to business development in the raya magisterial district second we have a motion from supervisor pruit second from supervisor malik without objection if the clerk will call the roll mr andrew yes mr galloway yes miss lapista kirtley

[03:10:42] hi miss malik yes miss mckeel yes mr pruit hi we'll be in 241 i believe i would like to

[03:15:23] oh pardon me goodness big difference i'd like to move that the board of supervisors certified by a recorded vote that to the best of each supervisor's knowledge only public business matters lawfully exempted from the freedom from the open meeting requirement of the virginia freedom of information act and identified in the motion authorizing the closed meeting or heard discussed or considered in the closed meeting second we have a motion from supervisor prude a second from supervisor malik without objection if the clerk will call the roll

[03:15:52] Mr. Andrew? Yes. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. As I was saying without the microphone before, I apologize for being delayed. We were coming out of closed meeting. We will be going back into closed meeting at the end of the meeting this evening.

[03:16:14] We have no motions tonight coming out of our closed meeting so far, which takes us then to item 15 from the county executive. I believe, is there a report? Mr. Chair, there is not a normal county executive's monthly report this evening.

[03:16:34] I have asked Mr. Bart Savota from the Community Development Department if he would come forward, if the board is interested, to provide an update to the board on an issue. I believe that the board will hear about tonight from some citizens who are here regarding beneficial field hauling.

[03:16:53] And so, Mr. Chair, Bart is here this evening and can provide the board an update. Since the last time Mr. Savota was here talking to the board, we're prepared to do that if that's the board's interest. Thank you. I mean, we're aware of when people sign up for matters from the public, they indicate usually what the topic is.

[03:17:13] And so in this particular case, this is a very appropriate chance to just hear from Mr. Svoboda an update before we go into that section. Thank you. Thank you. Good evening. Welcome. Good evening. Bart Svoboda, Deputy Director of Community Development.

[03:17:29] I have two slides for you just to kind of refresh everybody's memory on where we're at or what we, the process we went through for the special exception. And pull this up here one second. There we go.

[03:17:51] So this is special exception 2268 for a fill area out in Earliestville through Earliestville Forest is the access. So we've been receiving some emails and some inquiries about truck traffic and the access route.

[03:18:11] Those seem to be the primary concerns over the two conditions. There's other ones, but the ones that seem to come up the most are these two. This is the route that's listed condition number three within the special exception. So the pink line, let's see if my cursor pops up here.

[03:18:29] So the green area shown to your right is the fill area. And if you follow the state road back out where it takes this sharp 90, that's Advanced Mills Road. So excuse me, yeah, Advanced Mills Road.

[03:18:47] That is the condition number three preferred route for the trucks to come in and out of there. So there's 18 to 20 homes, maybe a little more that you pass going through there. if you were to dip into the cul-de-sacs, that number goes up a little bit. So that's kind of to familiarize you with the area and the route that was discussed. February of 23 is when this was approved. This slide is just the list of the conditions. So there's still ordinance requirements that are listed in the ordinance, but these are the conditions that came with this particular

[03:19:25] special exception. One is the hours of operation. That seems to be also one of the questions that the community members have in that area is where the hours of operation seems to be the possibility of trucks running outside those hours. So that's condition number one. Condition number two is the other one, the amount of trucks. So when we had this special exception come before us, we didn't limit trips, we limit the number of trucks per day, not the number of trips per day. So up to

[03:20:04] 10 trucks, but they could do as many trips as they wanted between those hours, right? So if the area where they're getting the dirt is close, they would be able to make more trips. If the area was far away, it's a longer turnaround time, but no more than 10 vehicles. That's the way the condition is written. We have other requirements within the ordinance. Those seem to be the two main ones that are coming up within the communications that y'all are receiving so this is just sort of a refresher the the special exception is good until august 31st of 2028

[03:20:41] we're at a point now with the size of the area so one of the exceptions they got was a was a limit from an acre to up to four acres so based on our aerial photographs from february they're somewhere around two and a half, three acres. So we're reaching the point where we need verification from the property owner. And these are things that we haven't yet discussed with them. But as we've been doing our investigation on these inquiries over the last month, this is part of the topics that we'll have. So kind of our next steps. So, you know, staff is up to is we've had

[03:21:19] various folks go out different times trying to verify information, check conditions, those sorts of things. So staff needs to get together step one and review the information that we have Step two is to review that, the concerns with the community residents, what we have by email and phone call and compare it with what we found and then get with the property owner and address any issues that we may have found.

[03:21:45] Okay. So you don't have any questions for me. That's going to be about it. That's your refresher. Thank you. I'll look to the board to see if there are any questions, understanding that you're likely to hear about this, but we do not do back and forth.

[03:22:03] So it's helpful to hear ahead of time what the staff has to report. Thank you. Board, that brings us to matters from the public. Matters on the agenda but not listed for public hearing or on matters previously considered by the board or matters that are pending before the board.

[03:22:21] I believe we have people signed up and Vice Chair McKeel will read the rules and introduce the speakers. So we don't have anyone signed up electronically.

[03:22:37] Everybody's in person. Okay. All right. Let's get myself organized here. Just a minute. All right. Matters on the agenda, but not listed for public hearing. During the time set 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 on the agenda for public hearing. Individuals are allowed one opportunity of up to three minutes to speak at each board meeting during matters for the public.

[03:23:14] The sign-up sheet is managed by the clerk's office. Timekeeping, I'm sorry, 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 indicates you have one minute to finish speaking.

[03:23:30] The red light indicates your time has expired. You'll 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.

[03:23:48] 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.

[03:24:06] Back and forth debate is not permitted and do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the Almar County website. And with that, we have eight individuals who have signed up, and our first speaker is Kathy Erskine.

[03:24:36] Hi, I am Kathy Erskine, Whitehall District, Earliestville Forest, and these are a bunch of concerned neighbors who've come with me because of the dump truck situation. Please read all the evidence and exhibits in the handout.

[03:24:52] I don't have time to go over them all. There are a lot. We've collected evidence of violations for you for many months, but the county and board seem to turn a blind eye. Why? The few times we've seen a county vehicle in the neighborhood, the dump truck traffic is suspiciously later than normal.

[03:25:11] The exception you made is disrupting the lives of hundreds of your constituents in favor of one for four more years, every day except Sunday. Why? Why do I have to stay inside my house, forgo sitting on my deck to avoid the up to 93 decibel dump truck noise, which I can still hear in the shower, by the way, with windows closed?

[03:25:36] Our windows rattle, houses shake. How are we supposed to work, make phone calls, hold meetings with all that noise? And why? Why should I have to walk before 6.45 a.m. when the first dump truck leaves and wait until after 6 p.m. when the onslaught is supposed to finish?

[03:25:54] In order to be able to walk without having to walk through trucks like this in a place where there are guardrails and I have to jump over the side with my dog who is 50 pounds and 12 years old, so I can't lift him.

[03:26:11] And most of the time, that means I'm walking in the dark. Why are you ignoring the safety of hundreds of your constituents, including children who live right on that road where up to and over 100 times a day a dump truck goes by?

[03:26:28] There are no sidewalks. There are no shoulders. Why would you choose to interpret 10 trucks a day as 10 trucks making as many trips as they can squeeze in each in 10 and a half hours? We consulted with attorneys who said, 10 trucks is 10 trucks.

[03:26:47] That's 10 truckloads. And by the way, 10 truckloads a week should be plenty. And we said, oh no, it's a day. And he said, 10 truckloads a day in a residential neighborhood? Not to mention CTAB 12 here.

[03:27:05] What is in those dump trucks anyway? And why are so many loads necessary? If this were someone where one person benefit didn't trump everyone else, it's okay. But there are hundreds of us in Earliestville Forest and we want our neighborhood back.

[03:27:22] You can solve the immediate problem by enforcing 10 total truck loads. And we do mean enforcing because that's not our job. It's yours. We didn't allow this exception. You did. Thank you. Thank

you.

[03:27:38] The next speaker is William Erskine. Welcome. Well, thank you. I am William Erskine at Whitehall District, and I've prepared a video to, instead of speaking, and this was all recorded on July 10th, and I am trying to find my mouse pointer.

[03:28:09] All right, this one, right? It's that one, okay. Yes. So, I hope you find it as annoying as we who have to live with it. Do you want to get played?

[03:28:24] yes thank you appreciate it uh the next the next speaker is samantha and i hope i'm pronouncing

[03:31:02] this well is it giannelly i'm mispronouncing it that's all right it's sam gianangeli um i appreciate your time here tonight and i hope you enjoyed the average morning in earliesville forest that we just showed i live in the white hall magisterial district and i'd like to invite my neighbors from earliesville forest to wave today to demonstrate their support you've heard from my neighbors about the level of disruption caused by the Clean Earth Fill exception impacting our homes in Earliesville. We are subjected to loud noise, fumes, and heavy trucks that literally shake our homes on their foundations for 10 and a half hours a day, six days per week, when they abide by the

[03:31:40] restrictions. On July 10th, members of this board received an email stating that there was no evidence of violations to date. I'm here to say that the county has not responded to our concerns in full and has disregarded our attempts to share them. I've shared a copy with you in a Manila folder today of just one email which has gone unanswered. I'm also here to ask the members of this board to engage with the evidence that we've provided them today. Do our community the courtesy of working with us to solve this problem? Allow me to move to my points. First, the county does not have the capacity to monitor violations based on time of day. This was stated to me and to other

[03:32:17] members of my community by multiple people, including Lisa Green and Jody Falardo. The board cannot in good conscience determine that there are zero violations when the county does not have the capacity to collect the evidence. Second, we have received conflicting information from the county about project duration restrictions. The exception explicitly states that each fill project must be completed within one year. Lisa Green stated that this limitation does not apply, although it is explicitly stated in the exception. Publicly available satellite imagery, also in your folders, confirms that the duration of the fill project has well exceeded one year. Please help

[03:32:53] us resolve this misunderstanding. Third, the Clean Earth Fill Code states that VDOT must approve the entrance used for Clean Earth Fill to the highway. We have verified through a FOIA request that VDOT has never approved or even been asked to approve the entrance being used. This puts the activity in violation of the Clean Earth Fill Code and the exception. I am calling upon the Board today to revoke this special exception. It is your responsibility to act to resolve the concern.

[03:33:20] Conditions are not being met, and we as your constituents have been gravely impacted by the results. To quote County Code, the Board of Supervisors may revoke a special exception if the Board determines after public hearing that the permittee or any successor has not complied with any conditions of the special exception.

[03:33:36] Any conditions. I've given you three in three minutes. And to quote Mr. Spock, the needs of the many must outweigh the needs of the few or the one. Thank you. Thank you. All right. The next speaker is

Gary Green. Gary Green, Early's Little Forest, I'm here to talk about how absurd it is that we have 100, give or take, 50 to 80,000 pound four and five axle dump trucks passing our home potentially

[03:34:10] six days a week. One exception you granted says 10 trucks per day. That defies all logic, all common sense that these trucks are really allowed to drive unlimited passings on a residential subdivision street. I'm sure you would agree 100 times a day pass your house six days a week is excessive. This is blatant non-compliance. The exceptions granted state that all truck traffic must happen between 7.30 and 6 p.m. We have recorded multiple pre-7.30 violations and post-6 p.m. violations. Apparently, they have gotten the word, though. Now at 7.20, they stack up two,

[03:34:48] three, and four trucks deep in the deceleration access lane into our once quiet earlyville force drive. Speaking of quiet, as audio engineer at the Paramount Theater for 15 years, managing sound was my job. I measured a 45 decibel rating on a normal day without trucks. You don't have to turn the microphone down. Walking down the street with these monster stump trucks accelerating uphill and engine braking and squealing downhill, I measured 95 decibels. To help you understand

[03:35:20] the double perceived volume of 45 decibels is 55 decibels. The double 55 decibels is 65 decibels. The double volume of sound for 65 decibels is 75 decibels. The double volume sound of 75 is 85.

[03:35:41] The double of 85 is 95. This is sound that we hear and feel. Where in your impact assessment Did you stick that information? More noncompliance. According to County Code 5.18.28, the property owner needs DDOT approval of the driveway and access easement. As far as we can tell, none exists. None has been requested. More noncompliance.

[03:36:14] Then there is this thing called clean earth fill. One day trying to leave our little subdivision, we encountered a parked truck blocking our lane. He waved us around into oncoming traffic because he's waiting for another truck. We leaned out and asked the driver, hey, where's all this dirt come coming from? Fontaine Avenue. And he says, quote, word for word, I heard it. It ain't dump. It's big rocks and stuff.

[03:36:38] To support that, we showed pictures of the contents to one of the dump trucks. To a civil engineer with 40 years of commercial construction experience, his take was, it's concrete. I want to end with a mention about the last meeting on this issue where all of you seemed to think this was funny.

[03:36:56] A joke. He made some cutesy little comments about how funny it was if we made this a miniseries with Mr. Galloway playing landowner. Well, it's not funny to anybody in Earlyville Forest. It's offensive. Thank you very much. Thank you. James Asher is our next speaker.

[03:37:17] I know you as Jim. Good evening. My name is James Asher. I live in the Whitehall District. I have emailed you about with some photographs of violations, including one alarming one where a driver had his hands off the wheel videotaping me with his cell phone, either not driving his truck or driving it with his knees.

[03:37:44] Anyway, on my comments tonight, to be honest, first, I'd like to thank you for service on the Board of Supervisors because in the current political climate of our country, I cannot imagine what you have to put up with in order for you to provide your service. So I do appreciate what you do.

[03:38:01] I know some of you personally on the board, and I know you to be thoughtful, intelligent, and reasonable people. And those who know me and my wife personally, I think they know we are somewhat intelligent and reasonable and thoughtful.

[03:38:19] We are not complainers. We are not reactionaries. But we are here tonight in response to your decision to allow these trucks to travel through Earliesville Forest. six days a week, 10 multi-ton dump trucks with unlimited numbers of trips. And I cannot imagine how you came to this decision. When I discuss with friends and relatives about where we live, I used to tell people that we live in Earliesville Forest. It's like living in the beauty and

[03:38:54] serenity of a state park. But now I say it's like living in a construction site with a parade of dump truck after dump truck after dump truck. It literally is living in a construction zone. When I consider the scale and impact of this industrial traffic on the community and roads, I just cannot understand how and why you have allowed this to happen. Now, I'm not an expert on your regulations, your rules of order, but I ask you respectfully to bring this matter to the table again for discussion and another vote so that you can rectify this irrational decision.

[03:39:33] Thank you. Thank you. The next, excuse me, the next speaker is Jacob Thadeth. I'm sorry, I'm not getting that at all. Here you go. This is the interpreter speaking for Jacob Thadethil.

[03:39:54] Is this adequate? Yes. Thank you for the opportunity for allowing me to be here to discuss this dump truck issue. My name is Jacob Thadethil. I'm in the Whitehall Magistrate District. I'm a resident there. I moved there two years ago. I sold my house, my old home,

[03:40:30] up in Northern Virginia, and moved down to Charlottesville then. I bought a house off Hunter's Road, and that's the Earliesville Forest area. Once I settled in, I started taking a walk on a regular basis for my exercise from my constitution on Earliesville Forest Road, and it's adjoining roads as well. And for about one year, I was doing this walk, and I'd do it in the afternoon on Earliesville Forest Road. And one time in the afternoon, I was doing this walk,

[03:41:10] I noticed a dump truck zooming by me so incredibly fast and absolutely over the speed limit on the road of 30 miles per hour. Just zoom right by me and truly terrified me. It terrified me so much that I stopped walking and I haven't since. At the HOA board meetings, the board that we have there

[03:41:41] and the members have also discussed their concerns. A friend of mine, Kathy, Brett Schneider, I believe she's here in the audience with us. Thank you for raising your hand. She told me her concerns as well in her feelings. And she experiences a great deal of traffic where she lives because her home is located right there on the traffic circle of Carriage Hill, where Carriage Hill meets the

[03:42:21] traffic circle. And Kendrick Farms also meets the traffic circle. And she says that she can see from her window over 100 passings of dump trucks in a day. And I don't understand why she has to deal with that frustration homeowners us as homeowners we pay real estate taxes on a yearly on a yearly

[03:43:00] basis and the county office has a responsibility to us a commitment to preserve people's safety when they're on when they're walking and utilizing their roads and to provide a peace of mind while

[03:43:25] they're at their homes a suggestion I have for them to for the county board and the county offices to resolve this issue with the dump trucks is to coordinate with the sheriff's office as well as VDOT. And among the three, devise a plan to put up monitoring systems, cameras of the sort,

[03:44:01] so that enforcement on the road of Earliesville Forest and the adjoining roads can actually happen. With this, the dump truck drivers might actually follow and obey the speed limit of 30 miles per hour. Another thing the county office can possibly do is to check into making an

[03:44:33] amendment or should be doing is making an amendment so that we can reduce the hours or provide hours of closure on the road for commercial traffic so that the children who are going to their bus stops for morning pickups and the school bus stops for afternoon drop-offs and other people who decide to utilize the roads for exercise in the mornings and the afternoons and the weekends will have a safe

[03:45:04] time to do so. County office needs to look into this and change what's necessary so that they can limit the number of trucks and traffic on the road to reduce the open hours for them to utilize it as such, and to provide an increased measure of safety for the children so that they can get to their bus stops and arrive to their school safe in the morning and the afternoon. And safety as

[03:45:42] well for the residents who utilize the road to walk, especially with the early Zoe Forest Road. These are just some of my ideas that would provide a peace of mind to the residents who utilize those roads and reduce the risk and the accountability and liability that the county Office and Kendrick Farms. Thank you. Thank you. Owners are experiencing them. And I would ask you to make it a higher priority to mitigate this issue. Thank you. Thank you. Thank you so much.

[03:46:18] Thanks. The last speaker is Genevieve Blair. Good evening. I'm Genevieve Blair, Early Soul Forest, Whitehall. I'm relatively late to speaking up on this. My incredible neighbors all right here have done a great job already presenting the information. I don't need to reiterate that. What I do want to add is I sent an email last week to Ian Malik that does outline my concerns and observations. It is, I just am appalled that this was approved and that

[03:46:58] there's absolutely no responsibility for monitoring this and interpreting to hear from the gentleman earlier that it was purposefully left as 10 trucks and not 10 truck trips is mind-blowing.

[03:47:18] Immediately around the corner where the trucks queue up now in the morning on advanced mills and block the visibility to see oncoming traffic up advanced mills if you're turning left to go to town, immediately around that corner, which is essentially a blind corner because it's or at least we'll forest, the lot is covered with trees, is a school bus stop.

[03:47:40] My husband and I have been residents for over 20 years. We walked our children to that bus stop over and over again. I am extraordinarily concerned that trucks I have seen come at a very unacceptable rate, turning that corner would hit a bus, children, family, pet.

[03:48:00] It is truly mind-blowing to think that that has not been taken into consideration. Over the last week, my husband and I have witnessed two trucks going down and one truck coming up at the same time off the road, tires off the road, because the road has no separation between pedestrian and grass.

[03:48:22] This is unsafe. I call upon you to come out and look at this and think about it from a child, you know, kindergarten on up, that way to that bus stop as families, as they go together to wait for a school bus. And the lack of visibility, the speed and load of these industrial trucks, these are not trucks dumping mulch like a snow's garden truck coming to put down something for your yard.

[03:48:48] These are huge trucks that on the video earlier that you didn't adequately hear the air brakes as they go down the hill that vibrate through the whole valley of the neighborhood. I am asking you to act upon this issue, realize its unsafe nature, and enforce even the exception you have in place, and to clarify and make it 10 truck loads, 10 truck trips, not 100 plus trucks a day. No use to have a deck, no use to have a forest with birds. You can't enjoy either with

[03:49:26] this incredible amount of unacceptable industrial traffic through a quiet neighborhood i appreciate your time and attention thank you thank you i appreciate speakers uh we will move on to our next

[03:49:46] he caught my mistake and i appreciate you mentioning it edwin edwin mortlock i got it Sorry, I checked you off too quickly.

[03:50:21] I apologize. Sorry for that. I accept that. And there's really not a lot I can add because, sorry, my name is Edwin Mortlock and I live in Whitehall. And I've also been involved in exchange of emails and other correspondence and meetings before on this very subject.

[03:50:41] And in fact, just hearing the last speaker talk about the safety issue, I recall raising the safety issue about nine months to a year ago. And all I got back was the fact that my email had been forwarded to the Kendrick Farms owner, who replied pretty much to me and said, there was no safety issue.

[03:51:04] It's a county road. What's the problem? But I have actually seen, because I walk my dog three or four times a day all the way up to the hill, a carriage hill. But I've seen a school bus near incident where children have been waiting for the bus.

[03:51:20] The first dump truck of the morning, probably not even the first, like maybe the 10th at 7.30, comes down the hill, blasts its horn to get the children to jump up and down. The driver I can see is looking in the mirror. And the next thing you know is the school bus comes around the blind corner.

[03:51:38] And it wasn't an accident, but I can't see statistically that not happening again. And walking in that area, there are no sidewalks. It's a lovely neighborhood, but it's not anymore. It's an industrial area.

[03:51:54] When I bought my home two and a half years ago, there was nothing to indicate that I was moving into a construction zone. The neighborhood has a lot of young parents with small children and retired people of my age, plus a lot of runners. And there's quite a few I recognize here walkers and runners today.

[03:52:11] And I can't really can't believe that this was approved in the way it seems to have been unanimous. And I've heard excuses that there aren't enough resources to marshal this exception.

[03:52:27] But that's not a reason not to do it. I mean, give an exception with limits that can be overseen and resourced. So, I'm not asking for the activity to be shut down completely, and you heard some ideas tonight as to what could happen, but something has to happen.

[03:52:49] You saw the photographs, you saw the truck movements, you heard the noise, and that noise is actually quieter on the projection than it is when you're standing next to the road and the trucks go by. And of course, they really are noisy going uphill because they're putting more effort into their movement.

[03:53:07] And they say less is more, and that concludes my remarks. Thank you for your time. Thank you. Thank you. Hope we have everyone. I think everybody has had a job. I don't think I missed anybody. Okay.

[03:53:22] Please let us know if we did. Thank you. We will now move to our four public hearings this evening. The first of which is SP 2024-00005, Tandem Friends School Increased Enrollment.

[03:53:41] And this will be presented by Mr. Sid Schoaf, Senior Planner 1. Welcome, Mr. Schoaf. Good evening. My name is Sid Schoff, and I'm a senior planner with the Plain Division of Albemarle County's

Community Development Department.

[03:54:00] Tonight, I'll be giving staff's presentation for a special use permit, SB 2024-5, Tandem Friends School, Increased Enrollment. This is a special use permit request to amend an existing special use permit to increase the student enrollment from 250 to 400 students.

[03:54:15] The subject property is approximately 25.51 acres and located south of the city of Charlottesville at 279 Tandem Lane. It is zoned R1 Residential and has been home to the Tandem Friends School since 1972. The comprehensive plan designates it as a Neighborhood Density Residential.

[03:54:35] The site contains multiple buildings and athletic fields associated with the school, as well as two means of access onto Mill Creek Drive. There have been nine approved special use permits since 1972, four of which have been related to increasing capacity or enrollment at the school. The last student enrollment increase was approved in 2014 for a capacity of up to 250 students.

[03:54:57] The last special use permit that was approved was in 2020 for an outdoor style pavilion. Additionally, a two-story middle school building with a 15,000 square foot building footprint was approved in 2016 and has not been constructed yet. The surrounding properties are mostly institutional areas.

[03:55:14] Monticello High School is located in the north across Mill Creek Drive. To the west is Monticello Fire Rescue Station. And then to the south are county school board-owned properties that are zoned R1. These parcels are largely wooded with a single family home located on one of the properties. In the greater surrounding areas, there are three Albemarle County Schools, which includes Monticello High School, Mountain View Elementary School, and a future elementary school site.

[03:55:38] For this proposal, the request is to amend a previously approved special use permit, SP2019-7, to permit an increase in the student enrollment from 250 to 400 students. According to the applicant, the current facilities on the site have a capacity for up to 350 students.

[03:55:58] Once that capacity is met, the applicant will need to construct the previously approved two-story, 15,000-square-foot building footprint middle school building to accommodate additional students to the school, and that's shown as yellow on the screen. In sum, there were two factors favorable.

[03:56:14] The first is that it's consistent with the review criteria for special use permits contained in the zoning ordinance. The second is the use is consistent with the Southern and Western Neighborhoods Master Plan. There is one factor unfavorable, and that is the proposed increase in enrollment will generate additional traffic on Avon Street, Mill Creek Drive, and Scottsville Road. Although there would be an increase in the number of trips in the area, it was a minimal addition beyond the existing trip volumes. The amount of trips that would be generated did not pass the threshold that would warrant additional transportation conditions to offset the impact. There are five total conditions. Three are carryover from the previously approved special use permit. Condition

[03:56:51] number three was revised to reflect the change in maximum school enrollment, and then condition number 1c was revised after discussion and recommendation at the planning commission public hearing condition number five is new as well it is to address the trip impacts in the area in some staff recommends approval with the conditions as recommended in the staff report and i'm happy to answer any questions from the board tonight thank you we'll go through our order supervisor mckee any questions i don't have any questions right now supervisor prueley i don't have any questions thank you professor galloway just to clarify the that last condition about the staggered times

[03:57:30] that those were altered or that's completely new? That is completely new. Thank you. Supervisor Lopisto-Curtley. No questions. Supervisor Malek. Thank you. Is there a process delineated for how that process time is going to happen?

[03:57:48] If Monticello High School decides to change their time, will they be notifying tandem or how is one supposed to find out? Yeah, that was discussed with the applicant. It's really just up to them staying up to date with Monticello High School. Hopefully some sort of agreement can come between the two schools where they can notify each other. Okay I mean times do change on an almost no notice basis sometimes for various reasons so I don't want anybody to yeah okay thank you. Thank you my only questions are I believe there just want a clarification that

[03:58:25] there was a concern about an alternate exit or entrance and how that is addressed now. Yeah so this is the special use permit that was approved in 2016 for a middle school so where the yellow area is um here's my cursor this is where the proposed middle school would be located this is the secondary means of access that's existing on the site if this sp were to be approved as is the middle school would conflict with that secondary means of access so that condition number one c was revised to allow flexibility for the middle school to be reoriented to keep that secondary

[03:59:02] means of access on the site while also allowing the school to build the middle school thank you Thank you. If there are no other questions, we can open the public hearing. We have no one signed up from the public to speak, but the applicant is here. I believe Kendra Moon is here to present, along with Michelle Schlesinger, the associate head of school. Welcome.

[03:59:31] I'll read the rules very quickly for you. Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and light system at the podium.

[03:59:49] 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. All comments are live streamed, recorded, and published on the Elmore County website. Thank you. Welcome.

[04:00:15] Good evening. My name is Kendra Moon. I'm with Lining Grade Civil Engineering, and I'm here on behalf of Tandem Friends School this evening. I'm joined by Whitney Thompson, the head of school, and Michelle Schlesinger, the director of finance and operations.

[04:00:31] And so they can answer any additional questions that you may have once I finish. I'll try to breeze through what Sid has already covered and focus more on the proposal and the traffic of the site. So Tandem Friends School is an independent day school that was established in 1970.

[04:00:51] It currently serves grades 5th through 12th, and the current enrollment is exactly at that 250 student limit. We are proposing an amendment up to 400 students, and this is a drastic increase.

[04:01:09] It's looking far into the future so that we don't have to come back for a sixth time to increase the enrollment. um and so this is not anticipated to be an overnight change the immediate increase would be about 15 to 30 students and this is based on their current wait list their facilities their classrooms currently have empty seats they're right now just limited by the special use permit but actually have capacity within their um classrooms to fit an additional 100 students approximately in their current facilities but once they get to that 350 or so

[04:01:47] student limit is when they would need a new building. So just to give an example of how adamant they've been to that 250 student limit, they had returning siblings that had applied to the school. They were right at 249. They were able to accept one sibling and had to turn the other away. There is a need for increased school capacity in the area. Approximately half of Tandem students live within Albemarle. So it's a direct offset to schools. This is an independent school, so slightly different, but it helps to alleviate the public school system.

[04:02:28] And it's worth noting just for when we get to the traffic topic, approximately 55 of their current students are in the Southern Feeder Pattern district. So ultimately going to Monticello high school if they weren't going to tandem, presumably. So they'd be on that road contributing to traffic anyways. So this is projected capacity for Albemarle public schools over the next 10 years. And you can see in red is where it's their overcapacity. So Albemarle, Monticello, Western,

[04:03:06] all overcapacity. This is consistent with the comprehensive plan for this area and is surrounded by institutional uses. Their Monticello High School, we've discussed, is directly across the street. Mountain View Elementary School is off of Avon, so it's not accessed off of Mill Creek, but it's still in that same area, contributing to traffic in the Mill Creek and Avon intersection.

[04:03:35] And then a future elementary school is planned southwest of this site. Tandems Campus, here's overview it's some drone photos stitched together but there's um you'll note two entrances and this is oriented uh this we're referring to as the northern entrance it's the main entrance to the site entrance and exit and then there's the what we're calling the southern entrance um exit only they've got you know gym facilities parking classrooms internal to the site and um we'll

[04:04:15] show another graphic later but approximately in this area is the future building will go so this is kind of um the approved concept plan overlaid on the aerial imagery it's maybe a little hard to see but this orange image is where a future middle school or just a future building would go if they need to increase capacity on their site and we did show it slightly shifted back um to take into account the planning commission comments about this keeping the secondary access open for

[04:04:50] emergency and it's worth noting that even with if this special use permit is accepted or approved we would still need to come back for a site plan should a building be constructed you need a site plan and erosion plan so anticipated impacts given that it's an existing site there's no immediate construction or anything proposed on the site it's very little impacts the biggest thing

[04:05:25] and we'll talk more about that would be traffic so their current circulation patterns are and the main entrance just across of Monticello High School so vehicles enter and exit through this entrance and then have the option to exit through the southeast entrance onto Mill Creek and there's a tandem and Monticello High School coordinate, and they both split the costs of a police officer

[04:06:00] manning the traffic in the morning and the evening at peak pick up and drop off times.

[04:06:16] And so in order to understand a little bit more about the traffic impacts, one of the biggest concerns was that there are already so many schools in this area and that their start and end times might coincide. So we looked at the start and end times of the schools in the area.

[04:06:32] And I know one of the conditions will be that the pickup and drop off times with Monticello High School are staggered by 15 minutes or more. Currently, they almost are 10 minutes apart. And I guess the pickup windows maybe need to be coordinated, but they generally have a pickup drop-off window of

about 30 to 45 minutes. So vehicles are kind of spread out over that time, but the mornings I think would be the most concentrated traffic as there are after-school

[04:07:05] activities that might spread it out a little more. And then Mountain View Elementary, the start and end times are significantly different from Tandem Friends School, so that's not to seem to be as much of a conflict, and the future elementary school is assumed to be the same time as Mountain View.

[04:07:26] There was a traffic impact analysis done for the Southern Feeder Pattern Elementary School in this area, and so obviously it doesn't take into account the increased traffic at Tandem Lane, but based on that TIA, there's not seemed to be a concern for the intersections in the area. They were all at acceptable levels of service. The trip generation, so I have the ITE trip generation figures listed. But what's anticipated is actually slightly less than this. I think this was based

[04:07:58] off of two data points. So it's very rough figures. But based on the Tandem's assistant director of operations, he's out on site every day during drop-off and pickup. And he knows all of the parents. So he knows exactly how many people are coming and going. And he's estimated about 1.54 trips per student, so we can estimate at its maximum 616 trips per day, give or take.

[04:08:30] Looking at the safety of the intersection, there weren't necessarily any crashes in the last eight years that seemed to be correlated with school pickup or drop-off, just based on the time of day or alcohol-related. One was at 9.10 a.m., so could have been associated with school, but again, they start at 8 30 so just figured it was worth looking to see and here's a image of the intersection in the morning this was taken around like right around the start of school kind of when it's the

[04:09:06] most traffic intensive at that intersection here's the police officer you can see and this is kind of typical of what it looks like and I did there a minute left so I can get this mouse to work I have a quick video, a sped up version of the traffic at that intersection, just so you can get an idea of like what the traffic actually is. And this is about five minutes, um, sped up into 15 seconds.

[04:09:37] So it's moving through pretty quickly, but just to give you an idea, there's not as much, um, well, I was going to play it again, but I think you get the point. Uh, and that's all I have for you. Unless you have any questions, I'm happy to answer. Thank you. Thank you. We'll go through our order for questions. Supervisor McKeel? Yes. Help me understand a little bit about the time, the coordination of the times. So, and maybe it's a question for staff, I'm not sure, but

[04:10:11] are those times actually locked in or are those times able to be adjusted? Because we're talking years. We're talking about your all's build up is, build out is years. So what would those times look like if the high schools change their times? Not just start time, but for pickup, for like the window of drop-off? Yes. Okay. For trying to avoid the conflict. Yeah. All right.

[04:10:39] I'll let Michelle answer. I just am wondering if they're locked in, right? I'm not sure I can, hi, I'm Whitney Thompson. I'm the head of school. I'm excited to be here. Our dismissal times are locked in, but people are also dismissed over, for example, at the end of the day, we have a large portion of students that are doing after school activities like sports and things like that. So even though currently we have a set end of day time, in reality, only a portion of our students

[04:11:14] are leaving at that time. And some of them are leaving at 530 and some of them are leaving at so it's a much smaller number of students that leave every day um we have our set daily schedule that we use we've used these times for years um but if we faced challenges if we if an increased enrollment

would be more likely to cause us internal traffic challenges first before it caused problems for the intersection um because right now the way we manage our traffic works um

[04:11:48] And if I think we would feel the squeeze of set drop off and pickup time before it actually impacted anyone else, and then we would approach some kind of internal staggering, perhaps have middle school started a different time than upper school.

[04:12:05] Right now, we don't want to do that. Everything seems like it's working fine. And because even arrival is staggered. For example, on Fridays, our students can arrive anytime between 8 o'clock and 8.45. So there's just a trickle of cars throughout that time. And it never gets heavy. But we would just have to make an adjustment if we needed to.

[04:12:29] so you you all are have the ability or monticello has the ability between the two schools you all have the ability to adjust the times working together that's what i'm getting that is so it would be we can work together i think monticello um has probably less flexibility about everything because it's a large school and it doesn't have independent agency and a lot of how the public school times are um dictated as around buses shared buses um so odds are we would adjust around them um and but i think right now we have a while before that would really be needed at all because

[04:13:07] even with when everyone is dismissed all at the same time it's barely complicated uh it would take a while before it actually becomes complicated and that i was just thinking about your build out Yeah. And it looked like in the discussion in the packet that you and Monticello were your school and Monticello were working pretty well together because you have worked together on some other issues, which is great.

[04:13:31] And I really appreciate that. Yeah, I think we would find out that they were making a change and then we would try to figure out what that meant for us. And I just wanted to make sure that that wasn't locked in, that you all had the ability to, yeah, okay. All right, just one other thing, and I guess I'll just need to mention this.

[04:13:49] You all are using the enrollment and capacity projections from the school division for October of 23. In the document, we have those projections. It's really not, and this is not your all's fault. understand why you're using it but just for the record to use those that one time snapshot of the enrollments this does not the school division creates this document that is a point in time they are going to be building a 400 student high school and two to three elementary schools in the

[04:14:25] time that you all are talking about building out so really using the enrollments on that page are really not appropriate i'm just saying for what you all have been talking about because there's so much discussion about um capacity and enroll you know um school capacity for almar county so just pointing out and i to be perfectly honest with you i think the school division needs to put a big asterisk and say this is for this particular school school year and if you're looking down the road even to next year those enrollment numbers are certainly in the next couple of

[04:15:00] years will not be appropriate. And you understand what I'm saying, but you had no way of really, I mean, it is what it is. Thank you. And that's all the questions I had or comments. Thank you. Supervisor Prout. Thank you. I'm realizing I probably actually should have asked part of this question to Sid, so I apologize, but I'm going to guess that you also know the answer.

[04:15:23] I don't actually know offhand your new neighbor, your incoming neighbor, the second Southern feeder pattern at elementary. Are they going to be trying to access the property both for

construction and for students eventually through Avon or are they going to try and access that property through Mill Creek and then onto Founders? Is it the latter? It's through Mill Creek. I'm just, while we're waiting, I'm asking this because I could see that potentially significantly impacting what that morning traffic pattern looks like if they're going through Mill

[04:16:00] Creek and then onto Founders, which I guess would be the way that they'd access through Mill Creek. that's the little road in front of um sure uh kevin mcdermott i'm deputy director of planning here in unwell county um they have not really defined their construction access but uh officially but it looks like because they are going to be constructing the road extending from founders um i don't think they're going to be able to construct over to galaxy for a while so uh it appears that all the construction traffic and future traffic is going to be coming in and

[04:16:35] in and out of founders from Mill Creek. Thank you. Thank you. Professor Galloway. I don't have any questions. Professor Lupisto-Curtley. No questions. Thank you. Professor Malik. None of mine have been answered. Thank you. My questions have been answered, although it is too bad that there isn't a way to coordinate public transit or public buses, school buses, so that you would not have some of these issues. If they dropped off at Tandem, it's right there. And I also just want

[04:17:13] to confirm that if, I understand the conditions are in here, but if the public schools started to stagger their times so that they were staggered over a long period of time, then this condition wouldn't somehow lock Tandem out of their start time because the schools had done something more flexible that expanded the start over an hour or two. I guess I just worry that the Tandem might get themselves blocked out by a school change that that was more creative than what we've contemplated here as far as allowing for traffic yeah i'm not sure about the enforcement

[04:17:51] of that um wondering if someone from zoning rebecca ragsdale is coming up to help answer that question works both ways right hi rebecca ragsdale planning manager i work with sid and we worked with zoning on these conditions um i think bart is still out in the hallway but the simple answer is yes or this isn't going to cause them any problems we don't believe it has we think enough flexibility um and we wouldn't so we don't have any concerns um in that regard okay then the

[04:18:28] condition needs to be modified yeah i guess i'm worried that the condition that's what we're both getting that questions it works to clarify your question if monticello's hours are non-traditional right are staggered throughout the day right um then that would be more than 15 minutes and i think that we would not be i think we have the ability to interpret that condition and if the other staggered instead of them it's not necessary for them to stagger if that makes sense they ultimately would be staggered it seems in that example okay that makes sense to me okay you're

[04:19:05] allowing staggering one that that that no longer keeps the same maybe you have a comment thank you i'd like to hear thank you michelle slessender on behalf of tandem um i think one of the things that we feel comfortable with with the addition of the condition obviously we'd like that fifth condition not to be included um but one thing that um gives us a little bit more comfort with that is that it specifies the drop-off times and not a start and end of school time i believe and that gives us a little more flexibility um as whitney mentioned um for example on fridays

[04:19:41] our drop off begins at 8am actually it begins on that at that time every day and so um but the start of school time is different and so i think we feel that given the way that it is written around the drop-off times we can expand or contract those times in order to maintain the letter of the special use permit

okay yes are you done with your questions i have no additional questions no I guess having seen lots of these things go through in all different subjects, I would rather not have a condition that's restrictive for no reason.

[04:20:18] So can we figure out a way to make it that the two schools are working with each other and leave it at that? Because otherwise we're dealing with something for five years from now when we really don't know what the facts are going to be. And it's not fair to jeopardize.

[04:20:34] You're suggesting to strike a condition. That certainly is one option. I don't know that it's necessary. modification of condition five i'm usually i'm trying to get things into the conditions to make them more enforceable but in this case if it's not going to be enforced anyway or difficult to enforce or setting people up to have a lot of trouble then i'm not sure it's helpful this is a condition that was added at the planning commission this was the condition that was added prior to the planning commission prior to the yes okay what was the intent stated what was

[04:21:11] the question, what was the intent of it? Why was it added? To offset any traffic impacts to the area once student enrollment was increased. Was this in prior to it coming before 5th and Avon? I truly don't recall. We did not have any conditions drafted at the time of the 5th and Avon Community Advisory Committee meeting. Not to muddy the waters anymore about this issue. Having said that, we have had in a condition like this in another part of the county with a large private school

[04:21:51] i see kevin nodding his head and i don't know whose responsibility it was to monitor it but that particular private school either started with the the times but then stopped and the and the whole condition became moot because they weren't living up to their end of the bargain i'm just saying that if we have the condition who monitors it right who makes sure it's happening maybe that's a i don't know who's can answer that but if we have conditions we have to make sure that they're actually enforced zoning would be the ones to monitor that condition and we ran

[04:22:29] these conditions by zoning and they had no objection and i believe we did discuss um that might be st anne's um private school that it was and the staggered times were never done or if they word for a very short period of time and then they dropped him kevin's nodding his head yes so i'm just guess i'm wondering about putting conditions on making sure that if we have a condition that somebody's monitoring it if in fact it's actually needed that somebody's monitoring and make sure or why do we have conditions to get to ann's point point of yeah supervisor

[04:23:04] when you set conditions but expect the staff to monitor it that's not always reasonable i mean We have a number of conditions for land use, for permits. We saw it, what, an hour ago. So there were conditions there, and evidently they're not being followed.

[04:23:24] Do we have staff to check everything? I've got something going on in my district. We don't have enough staff to monitor everything. That's my question. I'm asking about the condition. So is that a reasonable condition for staff? Hopefully, they will follow it, but to have enough staff to monitor everything, that's not always reasonable.

[04:23:48] I wish we did, frankly. When we look at these conditions, I always think of them and also explain to them, to members of the community, as being community-enforced norms that then we have the legal authority to exercise. We talked about this in the construction discussion with the development in the same neighborhood.

[04:24:11] The onus is on the party who would be most particularly injured and then filing a report, which I would think here means you have kind of a quasi-enforcement responsibility that goes to the school as the people, the school as in Monticello, right, as the party who would be potentially injured by this.

[04:24:30] And that's an easy enough thing for them to report if they know that there's noncompliance. Kind of to cut to the core of this, not having the full political history of how this came to be incorporated and also, frankly, not wanting to step on any neighborhood interest toes or any school division toes if they were involved in negotiating this or if there was a suggestion.

[04:24:52] And so just knowing what this intersection looks like, I would not I appreciate the point that Supervisor Malik's raising here, but I'm not sure I'd be keen to have this condition removed. I don't know if Kevin's.

[04:25:08] That's about where Kevin's background was and it wasn't. Yeah, thank you. Once again, Kevin McDermott, Deputy Director of Planning, and not to contradict Supervisor Pruitt, we did have a traffic analysis that was done for the new Southern feeder pattern.

[04:25:25] And when we looked at that, honestly, there really aren't current conditions, even with the new feeder pattern school. that comes in there's not conditions out there on mill creek that we had major concerns about this condition was put in to try and preempt any potential future problems but they do have the schools both monticello and tandem as you can see because they have the the police out there working right now with the traffic they have had a history of working well together

[04:26:01] a condition can always be a problem to monitor you're right we did have that issue I think we did finally address that with the other private school but if the board were to decide that they don't think this is necessary I think that staff would be comfortable with it it was we were being maybe overly cautious with it so I just wanted to add that for your consideration not that it's an awful condition but it may not be entirely necessary if they can continue to work together

[04:26:33] as they have so can you put in a future a triggering yeah so like the construction of the middle school they hit their higher enrollment numbers not that i'm saying we trigger the condition but trigger the perhaps the need for that it has to be reconsidered at that time of staggered drop-off times are needed or implement the staggered time once because because if it's a future a future concern then push it out to when they'll have the max capacity and that that

[04:27:09] event triggers perhaps i'm not even saying they'd have to enforce it i guess i'd be okay with it going away too because they're working well together but present company excluded we never know that that relationship is going to continue to exist but why not put it once they hit max enrollment that it reconsidered that that that triggers the condition i would propose maybe once they hit 350 which is when they trigger the next build out that's good that way that way we don't have to hit max because you could always go to 399 and just sit there but 350 seems like that might alleviate yeah supervisor Pruitt's maybe concern of just getting rid of it all together

[04:27:49] but also puts it on a enrollment number you never know that by that time the new elementary school will be in there'll be a lot more facts to right whoever made that comment and I just remember the other situation caused a lot of problems where it wasn't enforced. It's just interesting because Monticello with the dual enrollment program is seeing increased traffic from the other high schools too that wouldn't

be in their normal count and those some of those are coming from buses but in the morning a lot of that's coming from car traffic and then the bus takes them back to their home school. I don't know if that's captured in the traffic analysis though. Is there

[04:28:26] additional comment coming from staff they're conferring please staff was just conferring about the potential to um instead of requiring this now to to um change the condition so that it would uh at the time of the request for the building permit for the future school so this is after they would go up another hundred students because they can

[04:28:58] They say they can get another 100 students at that time require a traffic analysis of the intersection to as part of that as part of that process, the building to get the special use permit for the I'm sorry, the site plan for the new school building require a traffic analysis to determine whether or not a staggered time would be necessary then.

[04:29:28] I'm reluctant to require another analysis at a future time. If they trigger it, they trigger it. I don't know. I would propose I withdraw my suggestion as opposed to that, because that's burdening the application, time delay, cost, everything else.

[04:29:44] It's potentially more onerous. It's much worse than what we started. So either let's take it out or leave it alone. We could still trigger it at 350. You don't have to require a study. You can trigger it. And this is part of the problems we have when we're looking so far ahead.

[04:30:03] It truly is. I mean, that's an issue that we have this phantom school, as the Planning Commission called it. And so we're trying to work this out. Could we hear, would that be acceptable? Are we allowed to ask that?

[04:30:18] Since we've got the other party here, we're kind of excluding them from that. Yeah, we haven't closed the public hearing, so we're still asking questions. A future triggering event, is that something that... That would basically take the condition five to something like pick up and drop off at times at Mount Shell High School after for when the enrollment reaches 350 or more.

[04:30:38] I think it would be fine with us to have the staggered start time be triggered to the 350. I think we are worried about the traffic study direction of this conversation. But keeping the delay condition being relevant to 350 makes a lot of sense to us.

[04:31:02] And on a practical basis, I think that's when it would be more likely to be relevant. And that also helps with the whole kind of how many years in advance are we talking about? Because then we'll have a sense of really where the tight spots are, if any.

[04:31:19] And we hope that you all continue with a wonderful relationship with monitor. Yeah, of course. You never know. there aren't additional questions at this point you have a five minute rebuttal period if you have additional comments tonight we already asked for other speakers i can't remember there were no other we did okay um i will look to the board to see if we're ready to close the public hearing and bring this matter back before the board uh then we will close the public hearing and uh it's back

[04:31:52] before the board supervisor mckee well i am supportive of the the um the project and the proposal for sure. But we need to make sure we have the right language is all I would say for five. I've just emailed you some language. Oh, okay. Great. Excellent. I don't have it in front of me. I don't have it. If you could share that with Professor Pruitt in particular, but

[04:32:22] we can read it. Yeah, send it to Jim. Does Sid have a motion for the screen? Yeah, I have a motion slide so i i think if you put that up and we can fix it and i think that if um uh if uh supervisor pruit desires to make that motion and then just note that condition number five is amended to read

[04:32:55] and just recite yeah um and i apologize supervisor mckeel are you still in your column no no well we're just going through order to see if there are any other comments that people wanted to make before so supervisor pruitt you're up for that uh i just was asking to make sure i had to cut you off um so yes i'm i'm broadly supportive of the proposal um i appreciate the back and forth about how we're going to handle condition number five and i think that the kind of compromise that we've reached is is appropriate um and i appreciate everyone leaning into that okay

[04:33:34] Supervisor Gallo. Yep. Nothing further. Supervisor Lupito Curley. Supervisor Malek. All set. And I am fully supportive. I haven't disclosed it. I told I didn't need to. My wife was part of that class in 1972. And I'm thrilled to see it's thriving since then. So with that, we're looking for a motion.

[04:33:59] Yes, I would like to move that the board adopt the resolution attached to the staff report as attachment D with the amendment to item number five to read at such time as student enrollment equals or exceeds 350 student pick up and drop off times must be staggered by 15 minutes or more with the pick up and drop off times at Monticello High School.

[04:34:21] Second. We have a motion from Supervisor Pruitt, a second from Supervisor Malik without objection if the court will call the roll. Mr. Andrews? Yes. Mr. Galloway? yes mr peter curtley hi ms mallet yes ms mckeel yes mr pruit hi thank you and with that we will move on to our next item sp 2024-3 olivet preschool increased enrollment we've done one school enrollment increase we'll try another and i'm still the same presenter so and presented by

[04:34:55] mr shoaf thank you welcome all right so my name is sid shoaf and i'm a senior planner with the Planning Division for Albemarle County's Community Development Department. This is a special use permit SP 2024-3 Olivet Preschool Increased Enrollment. This is a special use permit request to amend an existing special use permit to increase the total enrollment from a maximum of 24 students to 48 students. The subject property is approximately 9.19 acres and located west of

[04:35:30] the city of Charlottesville at 2575 Garth Road. It is zoned rural areas and home to the Olivet Presbyterian Church. The comprehensive plan designates it as rural areas. The site has been home to the church since the early 1900s. The site includes a fellowship hall, Sunday and preschool classrooms, as well as other church-related facilities. A special use permit was approved in 2015 for a preschool with a maximum enrollment of 24 students. The surrounding properties are zoned rural areas and consist of single-family residential uses. The applicant is proposing to

[04:36:05] increase the maximum enrollment from 24 to 48 students. Additionally, the church is proposing to increase the time of operation from 8 a.m. to 1 p.m. to 8 a.m. to 2 p.m. to allow for extended pickup time for students. There are no proposed changes to the site itself, and this drawing shows the current student drop-off flow. Additionally, per the applicant, they have enough classroom space to accommodate and increase enrollment to 48 students. The special use permit application was reviewed under the factors for consideration as outlined in the zoning ordinance. Staff believes that the proposed special use permit will not be detrimental to adjacent parcels, will not change the character of the nearby area, and will continue to be in harmony with the rural area's zoning

[04:36:44] district, and it's consistent with the comprehensive plan. There are two recommended conditions for this application. The first one is amending the previously approved condition from 24 students to 48 students, and the second condition is for hours of operation as requested by the applicant.

[04:37:01] There are three factors favorable. The first is that it's consistent with the review criteria for special use permits contained in the zoning ordinance. The second is the proposal provides a preschool slash daycare option for community members who live and work in the area. And lastly, there are no detrimental impacts to adjoining properties that are anticipated. Staff recommends approval with the conditions as recommended in the staff report, and I'm happy to answer any questions. Thank you. We'll go through our order. Supervisor McKeel? No questions right now. Thank you. Supervisor Pruitt? No questions. Thank you. Supervisor Galloway? No questions. Supervisor

[04:37:35] Lupisto Cridley, Supervisor Malek. Well, I will break it. Break the rule. All right. So I guess something to think about as this goes forward, are we doing the same thing here where we're limiting? I know that it's what was asked for to limit the numbers, but this is the third return or second return for this thing. There was four or five for the other school. So are we better off having a higher number of potential children, especially when there's such a shortage of preschool availability, especially for people in the rural area, that with other conditions being met, having

[04:38:11] a checklist, etc. I just please think about that as we go forward. I don't have the magic answer. I just worry that in five years, they're going to have to come back and spend another \$1,500 to come back and change this number. Thank you. Appreciate that. If there are no further questions, we will open the public hearing. Do we have anyone signed up? We do not. And so we will turn to the applicant uh for presentation uh and she has read the rules before do you want to read them again

[04:38:46] i think they were here but they're pretty short i can read them again applicants are limited to a 10-minute presentation of their proposal on a loud five-minute rebuttal at the close of the public hearing 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 line indicates you have one minute to finish speaking the red line indicates your time has expired and you will be and your comments, and all comments are live streamed, recorded, and published on the Elmore County website. Welcome. Thank you. Thank you. Good evening, and thank you so very much for having

[04:39:20] us here this evening. My name is Dale Dealtree, and I serve as one of the pastors at Olivet Presbyterian Church. I'm here representing the church and for Seth Lovell, who is on sabbatical We are aware of the need in our community for increased quality preschool education. In order to provide and meet that need, we need to expand our capacity of our preschool.

[04:39:49] We have Betsy Grinnell here, who is the director of our preschool, and Al Reeser, who is chair of our property committee and also the director of the site. They are here to answer any of your questions about the preschool, about the building, about the site.

[04:40:11] We are grateful to CID and to the Planning Commission for all of their help and guidance in this process with the special permit. thank you thank you um board i will look to see if there are any questions for the applicant i have one supervisor galloway and this this is building on some of ann's concerns does your facility i mean you're doubling to 48 does the facility permit more than 48 if you had more than

[04:40:45] 48 students do you have the room for them or is this i you know i'm trying to think way too you're at the um we could accommodate more but we feel like that is the the ultimate size that we want to be to to uh provide a quality education and the same to be said for the two o'clock end time because that's being written into stone as well uh yes that's fine

[04:41:18] And we're having more demand for us to keep children later, but we certainly don't want to become a child care center that is well beyond our scope.

[04:41:40] All right. Thank you. If you were to extend to three o'clock or something, you wouldn't be required to just because you had the permission to. So I guess this is an invitation to you to request whether you would want to consider either a higher enrollment or a later end time.

[04:41:57] So just, hi, Al, lovely to see you. To see you. Yes, exactly. It had been a long time. I guess my concern is, and I appreciate your move for another hour, but the need in the community for child care is really for folks that are working.

[04:42:16] And this time, ending time, really is not as beneficial for the vast majority, and you're nodding your head, of women or families that work. But if you go to a full-blown child care center, then that kicks in a whole other regulation, your nap times, cots, et cetera, that we feel like this is our niche.

[04:42:50] So I appreciate that. I'm just referring to what the need is in the community. So help me out a little bit with your scholarships, because I noticed that you offer scholarships. Could you tell me a little bit about your scholarships and how they're being utilized?

[04:43:09] They've been utilized in different ways over the past couple of years. This year, we had a child that was on 50% scholarship. Next year, we have a child that will be on 50% scholarship. And it depends on just the need of the family.

[04:43:25] So you have two scholarships, right? You've had two scholarships or you have more ability to offer scholarships? We have more ability to offer more scholarships. as as as we grow as we grow 40 where where that increases our finances before we can offer them the stuff right yeah i just know that there is such a need especially in other parts of the county for this type of child care and scholarships are really hard to come by

[04:44:00] and anyway we do our best to make that possible yeah yeah um we have like an extended day from 12 to 2 and one of our children that doesn't need tuition scholarship kind of needs that extra time for mom to work and so she'll be doing the extended day free of charge yeah yeah okay thank you very much thank you are there any additional questions or comments concerns for the applicant you have five minutes for a rebuttal if you choose to otherwise we will entertain it as presented

[04:44:36] and i will close the public hearing the matters back before the board and i will look to see if there are additional comments supervisor mckee no supervisor pruit i have no comments thank you professor galloway so i i it's not relevant to this application but it's relevant to the bigger topic and we're now look at jody when i say this i suppose i would think that when these applications come in because this is becoming more normal part of our conversation when we're increasing

[04:45:10] student numbers just because we do get our fair share you you've met you might have heard our criticism of us taking time to go through the process and the workload but if we had people foreshadow five ten fifteen years down and they're they're planning for their organization it could save

them the return trip to get an increase um and i'm i don't need a response i'm just making the suggestion that if we did that at the front right when they come through the door because I mean in my what six or seven years I've seen a fair number of these they're just

[04:45:46] student increases so it's and I don't recall us ever really having an issue with it especially at the preschool level so I'm just suggesting that as a way that maybe could help eliminate some time and pressure down the road on our staff and the board's agenda. Supervisor Lupita incredibly no nothing thank you supervisor Mallett i'm all set thank you all right well then this is in the Samuel Miller district so i'm going to make the motion to approve special use permits sp2024-003 uh move that the board adopt the resolution attached to the staff report as

[04:46:21] attachment f second oh i made the motion i think the second came from supervisor Mallick Aye. And without objection, the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Thank you. Thank you. Thank you. Appreciate that. Which takes us to our next public hearing for the evening. Public hearing to consider easements adjacent to 999 Rio Road East. And this one will be presented by Rebecca Ragsdale, our planning manager. Welcome, Ms. Ragsdale.

[04:47:00] Thank you. And good evening, Rebecca Ragsdale. And I don't have a school SP for you to review. Let me pull up my presentation.

[04:47:20] Just to confirm, my understanding is that this is a presentation by the county as without an external applicant, even though it's at the request of 999-RIO. Yes, sir.

[04:47:35] Thank you. So this is a public hearing where an applicant has requested easements over county property, and that is a project I believe you're familiar with, 999-RIO, but I will walk you through the details.

[04:47:51] The request is to allow easements over parcel 61A3B1, which I'll show you in a second. And the intent of that county-owned parcel initially was to provide emergency access from Raya Road to, excuse me, Shepherd's Ridge.

[04:48:11] And the easements requested this go-round, because they did request an easement prior, are primarily for grading. And then a teeny tiny portion, another teeny tiny portion for an ACSA easement. and a reminder again that this is um this process is required by state code in terms of the public hearing uh this is um let me get my pointer in bright yellow so you may not need the pointer um is approximately where the county-owned strip is 999 rio is just um to the north of it

[04:48:50] that property is at the corner of belvedere boulevard and raya road and then of course Laura, it's back here with Shepherd's Ridge right there. And this is the proposed plat you have in your packet. I mentioned the prior easement that was granted. That's outlined in green. And then what is requested, again, is highlighted in yellow. And that shows the grading easement proposed. And then off to the right of your screen, the teeny tiny bit that's needed for

[04:49:25] the ACSA property, or excuse me, for the ACSA easement, where the boundaries are adjacent with the Bob Hauser property. We included a summary in your staff report that we think this is consistent with providing infrastructure and placemaking with new housing in our development area. The developers, excuse me, the owners, in these cases, when they request easements, do pay the fair market value for the area of the easements, and we also consulted with

[04:49:59] fire rescue. We didn't have any concerns about, I guess you could say it adversely affecting the easement, but there are other opportunities for emergency access now, I believe, that weren't there perhaps prior when this property was dedicated to the county. So, you have any questions? We are recommending authorizing this, and we have a resolution slide when you're ready.

[04:50:23] Thank you. I will go through order. Supervisor McHugh. No questions. Thank you. Supervisor Pruitt. I have no questions. Thank you. Supervisor Galloway. I have no questions. Supervisor LaPista-Curtley. No questions. Thank you. Supervisor Malek. No questions. And my only question is a sort of understanding of how we came to have this parcel and what the county would otherwise want this parcel.

[04:50:48] Can you speak closer to the mic and clarify, sir? I guess I'm looking at a parcel of property that the county owns. It's kind of landlocked in here and narrow, and it's interesting that the county owns it to me. I think back then, Anne and Diantha might know better, but there was only one way in, one way out, really.

[04:51:10] There was Dunlora Farm Road, Free State, and all of that wouldn't have necessarily accessed up to Dunlora the way you can go in and through Belvedere and all of that out. so there's multiple other access points that just did not exist it was one way in one way out okay at the main and the old main entrance before the warner parkway that's right well things were changed but once belvedere linked up in the back now you open up belvedere drive you can get from free state across the railroad bridge into belvedere through dunlora there's just now at least two and even if you start thinking like northfield and all the different ways you can get

[04:51:47] back there but there's two three entrances that you could get to shepherd's ridge now that were not existing at the time i mean that's my own back there thank you i'm seeing uh county attorney herrick shaking as well um got to show off my rio district history yeah you got it uh if there are no further questions we will open the public hearing we have no one signed up to speak this does not have an applicant, so I will close the public hearing and look to my right and left to

[04:52:26] see if there are additional questions or comments for staff. I understand that we have the applicant here or the 999-RIO representatives here if there were any concerns, but seeing none. Can I ask just this one, and I've asked this question. Nicole's probably getting sick and tired of this question, but at least gives the opportunity to have it answered in public.

[04:52:50] But this, I know, is a step in getting things moving. Would you want to just give us a brief update on once this is approved, how your timeline plays out? Thank you. Thank you, Ned. Nicole Scroo, representative for 999-RIO LLC.

[04:53:11] Question about timeline. I share your frustration in how long this has taken. It's been about a year and a half for a second round of site plan approval. I would defer to SHMP Engineering as to when exactly we will get that final approval, but we have preliminary site plan approval, ARB approval, and this is now the third submittal of the final site plan.

[04:53:37] And so we should get final site plan approval in the next 60 to 90 days, fingers crossed. from there it is up so craig um builders is the builder for this project so it'll be up to their timeline my understanding is once we have site plan approval we're there they are moving forward with building so there should be some movement um i'm gonna say because winter they're gonna

[04:54:09] probably hold off until um it'll either be november they'll pull the trigger on some movement or it'll be probably around March of next year before there's some dirt movement happening there, which will be very, very exciting.

[04:54:29] So anyway, thank you. Thank you. Additional comments? Just a comment. Just a comment. When I read this the first time and it talked about the fair market value of \$16.54. Yeah.

[04:54:45] I wondered if that was a typo. I mean, we're not used to seeing those amounts, right? just a comment it's okay if there are no other questions if i haven't already i'll close the public hearing uh and the matter is back before the board for additional comments or for a motion and this is in the rio district and i'm not saying an additional comment so uh it's here on the screen so i move to adopt the resolution attached to the staff report as attachment d second motion from supervisor galloway second from supervisor mallet without objection if the clerk will call

[04:55:25] roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Great. Board, this brings us to our fourth public hearing. ZTA 2023-2 Personal Wireless Service Facilities, and this is being led by Mr. Bill Fritz, Development Process manager. Welcome. Hello. I am going to find this presentation. My understanding you are assisted

[04:56:00] tonight by Mr. Chris Musso. Yes. And then introduce Chris Musso and Susan Raybold, who is online. And I know it from Cityscape Consultants. Welcome. Yes. So I'm going to Bill Fritz Community Development Department. I'm going to introduce Chris Musso, who is the with Berkeley Group, and Susan Raybould, who is online, I believe, also representing the

[04:56:37] consultants. That'll turn it over. All right. Good evening, Apple Morale County Board of Supervisors, members, staff, and community. My name is Chris Musso, as Bill said. I'm a planner with the Berkeley Group. We're a local government consulting agency here in Virginia, and I'm joined tonight virtually by Susan Raybould with Cityscape Consultants. She's the VP and project manager of Cityscape Consultants, and they're kind of experts in telecommunications and wireless facilities. Over the past year, Berkeley Group, in partnership with Cityscape, has been working with Albemarle County planning staff to re-examine and revise the Albemarle County personal wireless

[04:57:17] facilities, aka telecommunications ordinance. Pleased to be with you tonight to share the results of that work. So before you is an agenda for tonight's meeting. First, we're going to go through and touch on the purpose of this endeavor, as well as share the background of wireless policy within Albemarle County. We'll then discuss the work that was done conducting the project, including a community engagement that took place. Next, we'll share the highlights of proposed changes we have brought before you tonight before turning the floor back over to you to conduct a public hearing. Keep in mind that what we go through tonight in this PowerPoint presentation

[04:57:54] is just a summary of key changes. You should have the ordinance in front of you if I hope you had a chance to take a look, as well as the full review of the survey that was conducted. Following the public hearing, we'll be asking you to adopt the ordinance. So a little bit of background, quick history here. Albemarle County adopted a wireless policy in the year 2000. As wireless technology developed and became more prevalent, the need for additional regulations surrounding wireless facilities was required, and in 2004, Albemarle County adopted the existing wireless ordinance. Since then, the ordinance has seen a number of minor amendments to address changes in

[04:58:31] technology, needs, and development, but the ordinance has not seen a complete rewrite or overhaul since its inception. This project was aimed at reevaluating the entirety of the wireless ordinance and revising it where necessary. As technology advances, so too most regulations surrounding them. Much of the regulations surrounding wireless technology is determined at the state or federal level, usually from the FCC. Our aim in this project was to ensure that Albemarle County wireless regulations matched those found in both the Code of Virginia as well as recommended through the FCC. In addition, we wanted to ensure that

[04:59:08] the county's regulations could help the wireless industry match the growing demand of wireless services here in the county to better serve the community. To that end, our work was split into two separate phases consisting of research and development. After introducing the project to the public and industry professionals on March 7, 2023, Cityscape consultants began with a thorough inventory assessment of all existing wireless facilities in Alamo County, as well as those just beyond the border that still serve the county, as well as accepted but not built facilities.

[04:59:42] From this, a service map was created to identify potential gaps or areas with no or poor wireless coverage in the county. Both of these were shared with industry leaders in the community on June 13th, 2023, and are available through the county.

[04:59:59] Following the creation of both the wireless inventory and service coverage maps, an analysis was done to determine if the policy was a partial cause of the service gaps, meaning if the ordinance was kind of a barrier or a hindrance in creating those service gaps, and if yes, what changes could be proposed to improve future network service.

[05:00:21] Those proposed ordinance changes are in front of you tonight. We'll go over some of the key highlights of this ordinance in a bit, but the changes proposed are a direct result of required changes from state or federal regulations, the gap analysis, as well as community engagement. Speaking of which, key aspect to any project like this is engagement with the community.

[05:00:41] Before work began in the project, staff held a kickoff meeting on March 7, 2023, open to the public and industry stakeholders, where we received initial feedback and get any suggestions from them to start the project. Prior to the development of the draft ordinance, we also launched an online survey through Engage Albemarle, which ran from August 7 to August 27, 2023, to ask the community what they wish to see changed about wireless facilities in the county and get suggestions for potential changes.

[05:01:13] Finally, we shared the proposed ordinance changes with the community and industry and received direct comments from them. The recommendations in the ordinance are based primarily on majority opinions and updates to the Code of Federal Regulations. Now I'm just going to walk through a couple of the key proposed changes to the ordinance that we wanted to highlight.

[05:01:33] First, we removed AFDs and cluster facilities from the list of avoidance areas. This will hopefully allow treetop towers in these areas to be acted on administratively instead of requiring a special use permit. We made updates to reflect changes in industry terminology, as well as federal and state regulations, as discussed.

[05:01:54] We're allowing small cell facilities by right in compliance with the Code of Virginia. We removed reference to tree height as a concealment element. This allowed administratively approved

treetop towers to be installed and modified so that they are 30 feet above the height of the reference tree. Required providers to supply a statement that facilities are in compliance with FCC regulations.

[05:02:16] Remove the limit on the number of arrays permitted on towers, allowing more antennas per tower, and then remove the size limit on antennas. Remove the limit on the diameter of the monopole to accommodate coax cables for co-locations to be placed inside the monopole.

[05:02:34] Remove maximum projection of antennas of 18 inches on facilities, structures, and buildings to accommodate antenna and radio size changes in the industry and to promote greater coverage of wireless signals by allowing radios to be placed on the tower versus the ground. So those are the key changes.

[05:02:53] These are the list of recommendations either approved as presented, approved with any changes that you may come up with discussing tonight, or recommend denial. So I will take any questions at this time that you might have for myself or Susan, and then we turn it back over to you for public hearing.

[05:03:13] Thank you. We'll go through our order. Supervisor McHugh. Yes, I have a question probably for Bill, and I'll get back to you, because believe me, I have four pages of questions, which my friends on both sides of me are going to probably panic because I'm not going to ask those all now.

[05:03:39] But, Bill, I have with me, I have been carrying around for a decade and a half now. The original personal wireless service facilities policy passed in 2000. This was based on 1G.

[05:03:56] It was based on? I have a note that it was based on 1G, as opposed to 5G. Oh, yeah, right, right. Before we even had cell phones, yes, that we have, like we have today. So I just want to confirm before we start, because this has been in my back pocket now for a long, long time.

[05:04:16] Once we approve whatever we are going to approve tonight, right, this policy itself will go away in that it conflicts, I believe, with much of what we're doing tonight, however that may play out.

[05:04:35] and I want to make sure that this is going away so there's no confusion for the public or the staff. Is that, you understand what I'm asking. Right, right. So the ordinance will be what rules, that will be the law, and that will be what is followed.

[05:04:52] The proposed ordinance is not consistent entirely with that. For example, that recommends AF districts as an avoidance area, And the current proposal was to remove AF districts as an avoidance area. Likewise, that document actually recommends that entrance corridors be an avoidance area, but the current ordinance doesn't have entrance quarters.

[05:05:17] So whatever the ordinance is will be what rules and what we follow. I just want to make sure because I didn't want staff to be, or the public, more importantly, to the public to be able to find this and be i know it's always out there somewhere but to be concerned about it and i do believe that it's it's proposed to be removed in the updated comprehensive plan to be you know not readopted which is what it has been over the years yeah

[05:05:46] great thank you um uh i don't know which one this is more a comment to ask for some help because of my 74-year age and my eyes, I literally had to get a flashlight this morning to read the percentages. So it would be lovely in the future when we have pie graphs with colors.

[05:06:16] Just help us out a little bit to make things easier. Yeah, we struggled with that ourselves. And that's why the other thing we did is we made sure we released it as a PDF so people could blow it up to whatever size that we do our numbers. But a printout, it's very different. And I'm unfortunately reading a paper packet. Sorry. But I was sitting in the kitchen yesterday and today with a flashlight, right? And enough said about that. Yes, thank you very much. Yes, just a little, could you please? I really was pleased with the number of responses we had. It's not very often

[05:06:52] that we have a survey that has this number of responses, which was really great. I do have a I'd like to thank Cape. They did a lot of work on that to publicize that also. So I'd like to thank them. Yeah, and that's great too. Susan Ribble with our consultant did great work on that too.

[05:07:08] To point that out because without advertisement and getting out the code, we're not, no one would know it's there. So that's great. I did not take the survey because I wanted to just sort of let it play out, right, and not take it myself. Did the survey, I'm just curious, did the survey they provide any context or were the questions just the questions I'm just curious there were what we did is working with Cape we put some information out so that if people wanted to go and see some background information they could do that the survey itself didn't have it but there

[05:07:45] was a link when you were on the survey page you could either go into the survey or you can go into that other information so yeah I don't know what people did yeah and that's helpful thank you Because certainly the options really, the various options could mean a very different work by staff.

[05:08:05] They could mean very different outcomes. And I was just curious. So if they wanted to pursue it, they could. Right. Or they could just go through and answer. Correct. That's great. Thank you. Would you all, in the conversations that I read or comments that I read and the conversations that I've heard over the last year or so about cell towers, could you just share the difference between broadband and cellular coverage?

[05:08:40] Because there are folks that conflate that. Yeah, I'm going to defer. Susan, are you with us here? Susan is a telecommunications expert. Her and her team kind of work primarily with these, and she would probably have that answer for me.

[05:08:58] Sure. Can you hear me? Yeah, that's great. Thank you. Wonderful. Good evening, everyone. This is Susan Raybould with Cityscape Consultants. And the code that you see before you is pertaining to the wireless telecommunications facilities that you see that are constructed so that your cell phones work without access to needed Wi-Fi and any other devices that would not be connected to perhaps a home Wi-Fi network.

[05:09:36] Broadband is tied to cable and service fiber to the home, fiber to businesses, and while the towers could have fiber to them, they're not associated with the deployment of broadband, which is most commonly referred to as fiber to the home.

[05:10:03] It's your wireless signal. Yeah, that's great. Thank you. I'm just was responding to some of what I was seeing as comments as well as. So just for everybody, we are trying to address gaps in our cellular coverage today or with this ordinance. It's different. We've been working on broadband for a long time.

[05:10:24] And we're making some headway, but this is about gaps in our cellular coverage. I was, I guess there were no questions on the survey about safety and health concerns, especially as it relates to our

cellular coverage and thinking specifically about climate change and how climate change is affecting the need for cellular coverage and being able to text to 911.

[05:11:03] And I noticed there were no questions on the survey. I want to talk a little bit about why, again, for the public to talk about why I think that there were no comments or questions about that. There were comments, but not questions. Yeah, obviously cell phones play a major role in having safety today.

[05:11:20] We did add more broad and general questions of what's most important to you. And cell phone coverage was like a big portion of that. I believe the question was something along the lines of, you know, what's more important you and we listed aesthetics and cell phone. And overwhelmingly, people kind of said that they wanted cell phone coverage almost at the expense of aesthetics.

[05:11:42] Safety didn't really play a role into it. As far as construction of towers, obviously, that's all handled, regulated through the building code. But cell phone coverage is a big, important issue here in Elmore County because it is difficult to get some places and it is difficult to call it to 911 if you need to, if you don't have cell phone coverage.

[05:12:04] Yes. I can't tell you specifically why we didn't include a question that says whether or not safety is important to you. I assume that's important to everybody, I guess. Yeah. It kind of just goes hand to hand with cell phone coverage. All right.

[05:12:20] And I think I'll pass. I have many more questions, but we'll have another turn to come back and talk. So I'll move on and let people have an opportunity for right now. Supervisor Pruitt. Thank you so much. I would characterize really the crux of how this ordinance works is through the tier system.

[05:12:41] So you've got three tiers. They require not different kinds of reviews, but different reviewing bodies. And there are different criteria that kick them to these different tiers. could you do the two-minute explanation for the board and for the public listening about which tiers are what and what kicks them there oh you're you're putting me on the spot um and bill might yeah but bill might be able to i don't know so tier tier one is going to be your administrative process i'd like to point out it's going to point it out later in the meeting but i'll take this

[05:13:18] opportunity we've we've discovered in conversations with uh members of the public and amongst our ourselves that we may have a little bit of a problem with the way we've written the tier one currently a tier one facility is you have an existing building you want to add antenna to it okay you can add the antenna to it and you get a building permit we're not convinced that the current the language that's in the draft or the language that's in the packet you have today says that still so we want to make sure that we point that out to you we would recommend that we

[05:13:53] allow currently you to attach to a water tower to a building that that's administrative and we would want that to be able to continue so that's what a tier a tier one is a tier two is a treetop tower and a tier three is anything that isn't a tier one or a tier two and that's by special use permit that's sort of the really short version and tier two is also administrative and tier two is administrative that's whereas tier three is legislative meaning it comes before us and also goes before planning? Yeah, it's a public hearing. Does it ever go before ARB? It does go before the

[05:14:31] ARB. If it's a special use permit, they provide comments on that. There's a timer associated with that. Can you remind me what it is? 150 days for a special use permit. We do, we're permitted by the FCC to take 90 days to do the tier twos, but our ordinance mandates that be done within 60 days and a tier

one is also done within 60 days and that's mandated by FCC and we do it within that timeframe also. Oh, I'm sorry. Am I fading away? So 60 days for tier one, 60 days for tier two, even though we can take 90. And by both federal and state code, we're required to act on the tier

[05:15:07] threes in 150 days. You know, this has got to be the second time I've pressed this particular question. Is staff equipped to do that kind of turnaround? And also are our three boards that have to handle that, equipped to do that kind of turnaround? We've been able to process the applications within the timeframes. Occasionally, an applicant will grant us an opportunity to extend that timeline, but we've been able to do it. We do have to work, as Claudette will attest, we do have to work pretty tightly with the clerk's office to get from the planning

[05:15:41] commission to the board in that quick turnaround. That's really the trick there. Thank you. I know that there's, that we are operating beholden to a federal scheme. Could you tell me a little bit, I have a vague sense of it, but what are the criteria that we're expressly prohibited from considering? We cannot prohibit service or have the effect of prohibiting service. We cannot make a distinction between functionally equivalent service providers, and we cannot make any decisions

[05:16:15] based on rf emissions to the extent that those are regulated by the fcc um the the final point i do just want to draw attention we have some some influential members of the community who have highlighted things that are obviously concerned with health but fall short of asking us to regulate health but have what i might call regulatory suggestions that obviously gesture toward that um uh requirements for routine inspections um is this something that we have

[05:16:50] seen when comparing it to peer localities is this something that is permissible so one of the things that the consultant is recommending is they're recommending which we don't currently have in the ordinance that the applicant or the operator provide evidence that they are operating within FCC regulations they have to certify that they're operating and staff doesn't have the expertise to to analyze that we'll have to it'll have to be a statement by by the applicant which if later turns out to be false we would have to pursue but that is proposed you probably

[05:17:27] have heard us in more than one meeting when the issue of rf emissions comes up that staff sometimes multiple staff will jump up and say you can't make decisions based on that we aren't making decisions based on that so we're very cautious about that thank you um i also know that the FCC process has their own review, right?

[05:17:52] They look at criteria that, frankly, we also look at. Do you have maybe a mental, quick, dirty list of what's the types of review that the FCC is also doing beyond just emission standards? Yeah, Susan, I was just going to say, Susan's probably the best one to answer that.

[05:18:10] She probably knows that in great detail. Hi, this is Susan again. And I'm not sure that I understand your question because the FCC is not looking at each of the individual applications that each community across the United States is looking at. So unless the facility is over 199 feet in height or within a flight pattern, the federal government or federal agents, there's not a designated federal agency to

[05:18:44] look at each facility. So is that what you're asking? Did I address your question or are you asking something else? I have heard other people describe, and maybe I'm, you know, talking out of turn, but I've heard other folks describe that there are federal regulatory reviews that speak to environmental quality

and that also implicate historic resource preservation. And I'm curious if you could just highlight the types of federal level reviews that speak to these kind of criteria

[05:19:18] that we are also concerned with. Perhaps they're referring to the SHPO requirements and NEPA, which are the national environmental assessments that have to be done when a new tower is proposed.

[05:19:34] So they're looking at the relationship of the ground disturbances to flood zones and flora, fauna, soil types. With the state historic preservation, they're looking at view sheds from identified historic structures and properties.

[05:19:55] And for new tower applications, the approval of the regulatory agency for the NEPA and SHIPA are required. Thank you. I mean, one last thing, I'm reluctant to even reference it, but one of our community industry associate in the packet of materials highlights two specific concerns that they suggest are expressly displaced by FCC regulations.

[05:20:29] reviewing it at a glance they seem quite colorable um and there seems to be a controlling decision from the fourth circuit um i'm curious this is related specifically to how we uh consider uh concealment elements and when concealment elements are displaced and also the criteria for small self facilities um i'm curious if we have turned to that if we've attempted to harmonize that since this was drawn to our attention or if this is still an outstanding issue no it's still outstanding do you do you know the time frame that you got these comments are these recent it was sent to

[05:21:08] the planning commission on december 15th 2023 and frankly i saw it earlier today because this is a big packet it's in the pack it's in the pack i saw it earlier today no it's the short answer well um you mentioned you mentioned you mentioned small cell and i don't know how uh i don't know which comments you're specifically referring this is from crown crown castle i've i've not seen i don't um it's i'd have to look at the comments to know i to make sure i know what you're talking about

[05:21:44] but as to small cell what the ordinance does it simply says you're allowed to do small cell in accord with the state code so there's there cannot possibly be an inconsistency there is is entirely consistent i'll confess the small cell uh small cell facility criteria bit is the bit that i had a harder time following along with what they were saying um the concealment elements i did get a talk through of how that's that's working it does seem like a a concern right that the definition we're using of concealment elements is is

[05:22:17] dissonant with the fourth circuits uh agreed upon the definition of that you can yeah that's fine um so i guess i'm failing to understand your question so i guess to answer your earlier question we've made no major policy changes since the planning commission meeting uh we've made minor grammatical updates and changes like that to this ordinance but the ordinance that you're seeing before you as far as regulations go is the same that was that was shown to the planning commission so to answer that question okay no it's not been updated um the definition for concealment elements again i would have to look at their specific comments and what their concerns were

[05:22:57] to really give you a straightforward answer um and susan could chime in if she'd like but And I do apologize. This, frankly, also snuck up on me. It's quite late in the packet. And it took me a while to even wrap my head around what I was reading.

[05:23:13] Yeah, and we've made... It's on page four of six in the Planning Commission, four of six under Crown. Yes. Page four of six. Four of six? Four of six. It's from the letter from Crown. It's on page four of six of Crown's letter. That itself appears after the community feedback.

[05:23:32] in the it's it's like the last community feedback right the letters from industry and mr herrick was just pointing out that was from december which would have been a very early in the process it was early in the process we may have addressed those concerns i don't have any memory of it i can try to look it up let me try um i think that was my last question um and i look forward to

[05:23:59] having more to talk about when we are not in the querying stage supervisor galloway um blank screen did we have i see there was the conversation about the um removing the afds from the avoidance areas and we saw a map of that do we have a light map that shows the historical areas that are still being considered avoidance areas i have it up on my screen was this it right here is it this is

[05:24:37] yeah sorry yes did i miss this was this in the packet or no so that yeah the area and greed is the historical districts and then purple is development areas yeah and this is not showing afds but and did there's also mountaintop avoidance areas which aren't shown and then yeah there's that yeah the ridge areas yeah specifically were those mapped uh not here i'm not sure if the county has a quickly available ridge areas map it can be pulled up on the gis pretty easily

[05:25:12] looks like that yeah it's the purple the purple purple so it's um and then so ridge areas historic areas you had the afd was there a single visual that just cross-referenced the gaps in coverage that would be in the um sorry that the maps that were produced to the coverage maps that were produced did i miss those they i don't believe are in your packet but they were used to create

[05:25:48] the regulations for this ordinance um basically the the the inventory and those coverage maps are are very long i mean 300 plus document page document but they were shared with the county when they were completed uh back in six months ago or so however so long almost a year ago i believe you but we need the information i sure right um well okay my point here is that I'm trying to get a realistic understanding of what was coming to us for approval or jumping into a tier three.

[05:26:28] And I'm just having a hard time getting in front of me what I feel like I need to see to be able to do that. Bill, can I ask a judgment call? This is an unfair question. Okay. With, with the avoidance, with the new ordinances proposed in the avoidance areas, are we still just going to be having self tower facilities come to us for special use permit as we have or is this going to is the afd taking out of the avoidance area is really going to knock down the the special use permit process for us and cell towers no we've

[05:27:03] had very few in the in the entrance and in the afd sorry so basically coming to us for us to have to make board approval and do it as a special use permit really practice isn't going to change nuts uh let's see the height the what the special exception they'd have a little higher tower they have the 30 foot more tower right they'd allow the width to be higher too which i thought was a good idea for the cables and this can go inside that seems reasonable yeah um but it still sounds

[05:27:38] like additional or the a or b step for entrance corridors and most of these would still be coming to us for approval. So decide if it should go in the avoidance area or not. So the number of special use permits will probably not go down substantially. The number of special exceptions will probably go down. Because the higher tower, the wider base, the antennas can be different, etc. And on the and on the ARB

issue, the Architecture Review Board is enabled to issue a county-wide certificate of appropriateness for about 17 different categories of use and wireless is one of those

[05:28:16] and they have they can issue a county-wide certificate of appropriateness if the facility is consistent with the approved design criteria they've not adopted the design criteria knowing that the board of supervisors is working on this zoning text amendment so if this zoning text amendment was approved the architecture review board can go back resources permitting adopt design criteria and then it would just be part of the building and then it's just staff making sure that they meet the criteria as part of just part of the building permit review that's good to

[05:28:49] know and this is susan i have access to some maps if you are wanting to see them like do we need one color like what was or why can't there be some pragmat pragmatic palette of colors so i'm gonna i'm gonna step on a member of the public's uh toes right now or step on their message they uh I know at least one member of the public has proposed that that be amended and staff is not opposed to that, that the ordinance could be amended, that the color be determined by the agent suitable for the situation that the facility is located.

[05:29:26] If it's in a wooded area, yes, brown would be right. If it's in a more urban area, maybe a steel gray, depending on what's around it, might be more appropriate. So we would not be opposed to that. That would be consistent with what we do with balloon tests, for examples. Mr. Fritz, Susan Raybold has some maps that she would like to show.

[05:29:49] Good, because I was looking for those. I'm glad she found them. Thanks. What was that? Some maps? Yeah, so Susan has those propagation maps. Could we, yeah, I'd love to see them. If you'd like to see them. Okay, so I thought you wanted to see the maps that were showing the, oh my gosh, Showing the designated areas with relationship to where the towers are located.

[05:30:22] Is that correct? That's also true. The cabs. Okay. All right. So let's start with this one. This is a map that shows.

[05:30:42] Can you see that? Johnny Steph is working on getting it pulled up here, Susan. Think of a way to get her up there. Okay. Let me bring my... Oh, there it goes. While they're doing that, can I ask a question about your question?

[05:31:01] Yeah, yeah. Because you were asking about the color, and I don't see anything in... It doesn't look like to me that the color of the monopole is addressed in the nine criteria that are being suggested here.

[05:31:17] I'm just... And I thought you just said that it was. It was going to be addressed. I don't see it. Are you asking whether it's not... It's required in the ordinance? Is that what you're asking? Uh-huh. It is, yeah. So the applicant, we're not stuck with just the one color.

[05:31:34] So that's kind of our, this is your ordinance, and the public has come forward and proposed an alternative of being, allowing staff to make that determination at an administrative level instead of requiring a single color. All to be dark brown.

[05:31:50] Correct. Exactly. But so that's, so we have that. That is not in the ordinance right now. That's something that the public in this process has suggested, and it's something that staff is totally behind if

that's something that the board would like to. Because I thought Bill just said it was in the ordinance, and I was going to say, no, it's not in the suggested ordinance.

[05:32:09] I know that a member of the public is going to bring that up as an issue, and I sort of stole their thunder and brought it up. I guess I thought you said that. I mean, I came up when I saw it, and Commissioner Bivens brought it up. Yeah, I would think most times it's going to be brown, but it's not always going to be brown.

[05:32:29] Yeah, it really depends on the location in the backdrop from the viewshed. You know, if you're looking at a wide open field and it's all blue sky behind you, then obviously maybe a gray or a white color poll may be more appropriate. I mean, it seems to require more judgment than just requiring a single color.

[05:32:47] But does it need this board to vote by color? I wouldn't think. Staff needs to have the criteria they need to use for their checklist and stuff. So this is, if it's not going to come to the board, then these things have to be worked out. My understanding is a draft ordinance requires that the monopoles be dark brown.

[05:33:07] That's what we're trying to get away from, I thought. I guess because it was most always in the woods and it was appropriate. So this is a new thing. And most always it might be dark brown, but not always. Yeah, maybe 90% of the time, but maybe not always. And I'm not saying they should be hot pink, but.

[05:33:24] Right. Although that might be fun in some places. I would love to meet the staff member that's, yeah, I think hot pink will work. And if you wanted to limit the criteria, like Supervisor Malik is saying, that's certainly something you can put in the ordinance to have staff fall into a range of colors instead of allowing them to.

[05:33:42] As long as it's not this aluminum foil silver that we have over the mountain along 64, that is never weathered in 10 years. So that's got to be. If we're going to have that in the ordinance, are we going to be receiving a revised ordinance?

[05:33:59] You will, yes. Yes, of course. So if your intention tonight is to either defer, and I'll turn to your attorney, obviously, for this, but you can defer. We can make amendments and come back to you and hold another public hearing continuation if that's something that you want to do.

[05:34:16] You can adopt with changes, and we'll make those changes, and then I believe it'll just go on your consent agenda. But that's really up to you. That's a decision that you all have to make. You need to go through and make a list. Your staff is probably the one to answer those questions than me. I'm sorry.

[05:34:31] I was looking at the comments from Crown Castle so I could answer that. Oh, yeah, that we talked about earlier. Should you repeat the question? I'm sorry. Any changes we make to what the draft ordinance was, we can put in and amend and vote on it tonight, or it could come back.

[05:34:49] No, we can't. Well, you can, but I think that there's, with what the board has, and Mr. Fritz alluded to this earlier, that staff has identified the need to make some further changes to the ordinance, minor changes, but nevertheless changes that need to be addressed.

[05:35:13] And so I don't believe the ordinance is ready for the board's adoption this evening in any case. And so we can take the direction from the board on these other issues, along with the issues that Mr. Fritz

has identified that need to be addressed and provide a revised ordinance to the board for action at a later date.

[05:35:44] All right. Another public hearing. More consideration. Yes. We have to do that. wouldn't necessarily what we've done in the past is if you if you have the changes we like to have the opportunity to go back make those changes make sure there aren't any inconsistencies or unintended we change one thing and it moves something else so we want to get it right and we've typically put that on your consent agenda for a later date for for action that'd be great so you can conduct the public hearing this evening um and in fact i don't think it can go on the

[05:36:20] consent agenda at the next meeting, because you may recall that your rules require that when the board defers an item that has been the subject of a public hearing at one meeting, that though it is not a public hearing at the subsequent meeting, that the public must be given the opportunity to comment upon the matter a second time. So we have some maps?

[05:36:54] Hey, Susan. Yes, hello. All right, so this is the, can you see my screen? No. No, you're not sharing yet. I am sharing.

[05:37:10] There, it says. It's in your name. All right, let me try again. It shows that I'm sharing. Okay, it says your screen share is loading.

[05:37:30] Yeah, there you go. There it is. Excellent. Okay, great. All right. This is the propagation map for all assuming, assuming that if each site had the same service provider on the facility, then this would be your coverage.

[05:37:49] The yellow represents in building, the green represents in vehicle, the blue is out, and then the areas where there is no coloration are definite gaps.

[05:38:06] Now, you have different providers that have deployed at different levels of maturity with their networks. And so there is not a service provider that has this exact footprint. We do this exercise because if there is a facility there now, if it could be added to or if another you have a number of cluster sites where an additional tower has gone next to an existing one.

[05:38:37] And if they were all to build out, this is what you would see. And I'm going to now switch over and put next to it the mountain protection areas.

[05:38:54] Can you see that? Yes. Okay. So you wanted to know specifically, did we have a map that showed the sites in relationship to the mountain protection area? This is what this map is. The areas in purple are the mountain protection areas, and there are, as you can tell, a few sites that are in those mountain protection areas.

[05:39:20] I don't know if they were approved prior to 2000 when you adopted your previous code or not, but those are your mountain protected areas. this map I'm going to pull over and put on top of it so you can continue to see the pattern of propagation. This is including the mountain protection areas in the ag forest districts that are added to it. So you can see how the right now there are some gap areas here that

[05:39:57] are showing up on the map on the left and those are your some ag forest zone districts as well as in the south, you can see that throughout here you have some gap areas and along this part of the eastern part of the county. And by removing these ag forest districts from your avoidance areas,

[05:40:25] you may be able to encourage new facilities in those areas for deployment. This next map adds the historic districts to the ag forest district map and the mountain protection areas. So you can see how the avoidance areas are building on top of each other. And then let's see if I can find it.

[05:41:01] Let me just reduce. There it is. It's hiding in the background. This is the addition of the scenic byways and the scenic byways have a 200 foot setback whereby no wireless facilities are supposed to go in that area that's considered the avoidance area so we've identified a 200 foot

[05:41:35] swath in white along your scenic byways to demonstrate where those areas are so those this this last map captures all your existing um avoidance areas and again the proposal is to remove the ag agricultural or let's see yeah agricultural forested district and that would be this sort of yellow area so susan while you have those maps up i just have a question so that is how we see the

[05:42:14] number the percent 48 of the county's land area it is within an avoidance area this is the map that shows that 48 which is pretty that is correct pretty astounding which is why we have so many concerns from our residents and people driving through but about the gaps and it looks like a good portion of this is in the scottsville district almost almost all of the scottsville

[05:42:52] district i mean i'm just saying i appreciate having this this is very helpful helpful to see this so that and that was i mean if there's follow-up questions i'm for the moment i'm done okay uh supervisor lupisto curtain okay well no don't don't take the map down oh oh i'm sorry i'm sorry i'll okay i would like to get copies of that if we can get copies sent to us that would be really okay good good good thank you that that's really helpful could she just email that

[05:43:29] last map too yeah yeah the last map is your staff has all these maps no i mean so that i can pull it up right now oh right now yeah currently um susan you probably can email unless you have bad broadband but you're online with it so yeah would you be able to email that final map that shows all of it can you just send that to maybe bill or somebody and he could i'd love because we're going to be going back and forth but that's that's a map i'd like to be able to have yeah that's what we needed to say i'm here okay so if i so what i hear you saying is that i can um email bill now

[05:44:07] and he'll be able to send that to you and you can look at him for the discussion is that what you're trying to do yes please yes perfect okay i also took a screenshot of these two side by side so i can include that in the email to bill okay i'm going to need to stop sharing my screen so i can do that thank you okay okay so knowing that the majority of people the big thing is they want

[05:44:43] cell phone service and we're now seeing a map that takes out almost half the county from being able to get cell phone service. And that's due to what's called the avoidance areas. And we're talking about in this ordinance of eliminating ag forestall from the avoidance areas. What about eliminating historic and scenic byways from the avoidance areas also so that everybody in

[05:45:19] Albemarle County can get cell phone service. Now, I think we still need to be, I think staff or board of supervisors in the historic areas maybe need to look at where the placement is, but that's done almost all the time. In fact, I think it is done all the time. You know, if you move something over 20 feet and then it's obscured, we would do that. Staff would do that.

[05:45:52] So we would take into consideration historic areas, scenic byways, but we should be allowing cell phone service, cell towers in all of Albemarle so that everyone can receive service.

[05:46:08] I mean, not to have it is, that's just not right. And one of the other things I would like to see that's not in the ordinance is that, because I do believe that in maybe 5, 10, 20 years, cell phone towers will be eliminated because there'll be a new technology available.

[05:46:29] So I would like to see something that whoever puts a cell phone tower up, that company would then, if we could have something that would say, you have to take it down. Decommissioning. Pardon? Decommission. It's called a decommissioning agreement. Okay, yes. When it's decommissioned like a ship, when it's decommissioned, then someone has to be responsible for taking that down and hopefully not a taxpayer's expense. So I would like to know, I'd like to see avoidance areas, just take that out completely and everything's, you can have

[05:47:09] cell phone towers, not everywhere. You have to look to see where it's going to be placed. uh in my in my opinion where is the best placement but uh to deny someone service and i think it's criminal but yeah and i certainly can't um you know make that decision for you or answer that question for you but i will point to the the survey which you should have in front of you uh there were three questions asked of how people felt um who should be the reviewer for historic districts afds and scenic byways i would say about 50 of of all respondents were okay with with administrative approval of those projects.

[05:47:49] Another 30 or so percent were okay with Board of Supervisors approval and only about 15% said they should not exist at all in those locations. So again, that's your decision to make. I'm just trying to point you in the right direction. And I noticed that when I read those is that for each of the questions, the majority of people really wanted it approved administratively through staff.

[05:48:10] And I think that's because you're here, you're here all the time. You have the expertise. of supervisors changes and you don't and frankly more objective. Thank you. Thank you. Supervisor Mallett. Okay so this is questions only right. Let's see. Let me go back to my start here.

[05:48:38] Yeah I'll start at the bottom work my way up. Okay let's see for you before you move right at the very end of your presentation I missed something important because I didn't understand. What I heard was there was a suggestion to put radios maybe or something else on the tower rather than on the ground what is what was i supposed to hear um yes it's this point number nine here um so you so it allows the actual equipment itself to be placed up on the tower instead of on the ground

[05:49:18] i believe is my interpretation of this um smaller but susan should chime in here um because she is more familiar with radios and the terminology that's used so that so i don't get you wrong My eight-foot box or 10-foot box that's on the ground now you propose to put on the top of the table.

[05:49:35] No, no, no, no, no. That's what I heard you say. Oh, sorry. No, Susan can explain it better than I can. I'm sorry. Yeah. Give me just a moment. I'm going to pull up another slide to share with you. The propagation map is large, and my bandwidth, where I am right now, is not very good.

[05:49:57] It's taking a very long time to send, but it is in queue, and I keep getting a message that it's still trying to send. So give me just a moment. I'm going to pull up another slide that I think will be helpful.

[05:50:15] All right. So I'm going to share. I do. I do. Okay. I'm going to share my screen again. And it can take a moment just to load. But while it's waiting here.

[05:50:34] So when you're looking at the characteristics and attributes of a cell tower, This image on the left is an example of two cell towers that you have in Albemarle.

[05:50:52] This one on the right has the antenna. These are the antenna at the top of the tower. And this one on the left has the antenna and these remote radio units or remote radio heads. The remote radio heads help improve the power to the antenna.

[05:51:15] to give a stronger signal that improves propagation and access to the wireless network. The way the code is written presently, because of size and amount of infrastructure that you can physically fit around the tower, given the heights, one of the methodologies to deploy 5G is that the industry may operate and the low, mid, and high band frequencies.

[05:51:49] Each one of those frequencies require a separate antenna. So to maximize being able to provide all three band board technologies, they maximize the antenna space at the top, and they move remote radio as that you see in the tower.

[05:52:18] And he's ample of what it looks our the remote radio heads with these cables that go up to the that go up to those antennas. And two things happen when when this type of deployment is put into practice.

[05:52:38] And it's pretty frequent at Albemarle. We saw it all over. You actually lose gain through the line as it runs from the ground up to the top of the tower. And so just by putting these down on the ground, you're losing signal strength and propagation distances because these are removed from the location of the antenna.

[05:53:07] And so what we were trying to do with some of the changes to the code was to be able to get those antenna up to the top, or excuse me, the remote radio units up in the air near the antenna like you see here, because you can reduce the signal as much as 30% when they're down on the ground like this.

[05:53:35] so that's what that language is and item number nine and what we're trying to accomplish by changing the code to increase the equipment at the tower so that it's not just down on the ground okay um all right well thank you for that explanation i remember hearing that now that i understand the terminology uh during the early meeting a number maybe last year so let me go to bill's question my questions for bill here i guess is the best thing to do now

[05:54:10] um and thank you for all those maps because what i see that those maps that showed the five or six approved tower sites along 20 south that i guess have never been built even though they're in the historic district they just have not been constructed the many which are in the white hall district have been approved and never constructed because the companies don't have enough return in the area to put them up. So I just wanted to make sure that we were not trying

[05:54:48] to assume that everything had to do with avoidance areas in those situations. Now, around the NEPA and SHPO things, do you get that information as part of the application when you get an application for a tower? Because it was told to us that they were all required. And it seems like if they're not going to be required, then we shouldn't start any local process until they're done.

[05:55:14] It's not uncommon for us actually to get inquiries from service providers long before they've even submitted an application asking us for information on historic resources and other things for them to do their NEPA reports, but the NEPA reports are not sent to us.

[05:55:35] We don't evaluate that. That's a federal requirement. And then they go to DHR who filters it down to us or not? We don't get those. We don't get the NEPA reports. We provide information that is

included in the NEPA report, but we don't get the full NEPA reports. So it's controlled by the applicant, all of that process.

[05:55:54] So we're not really getting, we're getting filtered information at best. We get what's required by our ordinance. That's the information we get. All right, that's that answer. Now, we've gone round and round on concealment elements, and I understood it before tonight, but now I don't because there have been different presentations on whether it's being negated totally or not or thrown out or whatever. So please give me the straight and narrow on that because you've talked to us about that numerous times over the last many years, and I thought it was a really important part of our operation. Sorry, I was not walking away. I was trying to

[05:56:33] find my ordinance so I can refer to it. So the concealment elements, the only change that's being made in concealment elements is, and this addresses the information from Crown Castle, is we're removing the limitations on tower height relative to reference tree.

[05:56:55] That's the only change that's being made in the concealment elements of a support structure. Now, some of the other changes have impacts here. For example, one of the concealment elements is the condition of the size of the antenna.

[05:57:10] Well, we're removing the conditions on the size of the antenna, a standard requirement for size of antenna. There might be a particular application that comes before the Board of Supervisors that is by special use permit where there is some concealment element associated with it.

[05:57:27] So we wanted to make sure this stuff was still included. For example, if you had a tree tower, that would then be covered by this definition, concealment element. Does that answer your question? Sort of. I was just reading the minutes for this meeting about the Scrooby Tower in Greenwood.

[05:57:46] And that was a really big element of that approval, was the fact that we were going to get the height we were going to get because of the concealment element. And so that was the only protection we had to be able to assure that it wasn't going to continue to grow 20 by 20 by 20. Well, actually, the Scrooby Tower does not have any concealment elements associated with it.

[05:58:07] What's limiting its ability to grow would be that I don't remember the height, so I'm going to make up the numbers. So if it was 140 that they wanted, what we would have done is approved it at 120. That allows it to go to 140. And because it isn't defeating concealment elements, so it's allowed to do that.

[05:58:27] Not defeating. Okay. So only change being removing the tower height. So what you just said is we're proposing to take away the tower height requirement period, not go to 30 feet above?

[05:58:45] No, no, no. What we're doing is we're changing the definition of what is a concealment element because you're not allowed to do an increase that defeats concealment elements. So by removing from the definition of concealment element, that relationship to a reference tree is a concealment element that will allow a tree top tower one that is 10 feet taller than tallest reference tree to increase its height by 20 feet making it a 30 foot above the reference tree that's that's how we're doing that we played around with different ways to be able to do that

[05:59:21] and that's really you can't say a tier two is a 30 feet above because then it can go 20 more so we left it at 10 and remove the reference to reference tree and that allows the pre-top tower to go 30 feet above and it also then preserves the plus 20 so that it can't keep jumping there it's a single it's a single plus 20 one

shot it's a one-shot deal yes all right for all towers okay so i think i've got that squared away now uh let's go down the list here um there was mention of the ridge lined on the western side of the whitehall district as being an avoidance area that's

[05:59:59] Shenandoah National Park. So please don't think that that's going to work. I have worked very hard over many years to try to get applicants to use the side of the mountain where it's up against the mountain and would have been a building permit only. And they refuse to go because there aren't enough people out there to make it worthwhile. So I just keep reiterating here, there are a lot of things that are being proposed to be thrown out of our ordinance to get more towers when what we have seen already is that it is a financial management decision about where these towers are going to go. Everybody wants to have a tower in Crozet or someplace where there are lots and

[06:00:38] lots of people because they know they're going to make a lot of revenue. And so I am not keen on the massive changes that are proposed by this ordinance in order to have very little, if any, improvement in the rural areas getting anything and even some of the growth areas from getting something um how many permits have been approved and have not been built do you have any information about that off the top of your head it's it's in it's in that it's in it's in the inventory but i don't remember the exact it's not a huge number but it is a number okay i mean i'm guessing between

[06:01:14] vessel and whitehall it's probably 20 but anyway probably it's probably five or fewer yeah yeah I sat here with that number. But anyway, the okay, what is areas propagation maps, other communities have had setbacks, Louisa, for example, of 1000 feet, or nowhere near residential areas, number one, or 1000 foot setbacks from schools and things like that. Was that considered as part of this ordinance renovation?

[06:01:52] because these are communities who have certainly many fewer processed things, but they have many higher thresholds to get in the door to begin with. No, I don't recall that ever coming up at any point in the conversations. So we'd be taking away our rules but not having things that others already use to provide some protection.

[06:02:16] I want to be clear. In your packet, though, members of the public did comment on increasing setbacks from residences. I believe that was in more than one, I don't know how many, but more than one member of the public raised that.

[06:02:32] But it was never a proposal that was made in the work session with the Planning Commission or in public hearing or any of the drafts. So how does it get to be considered in this project development if people's comments that they've sent in, you know, I mean, they're not being represented by the industry, obviously.

[06:02:51] So I just, I mean, these are things that have been discussed for 15 years at least. And the fact that we just don't even look at it is a concern. There were also comments to reduce setbacks, likewise. But the consultant recommended no, that what we were doing was representative of best practices.

[06:03:10] So we didn't, none were proposed. If you direct us to do that, we will make the change. I will certainly push back some on the representation that the grand majority of everybody wanted to have, you know, self-service above anything else. when you add up the people who wanted the Board of Supervisors to stay involved and the people who didn't want to have any changes, that was the biggest number. And I had great concerns, as others have, with the pie charts and being impossible even online to really understand how they were being added together, because one can do a lot with statistics to support things.

[06:03:45] Let's see. All right, let me run back up here just a minute. I'm sorry I'm taking a while, but this is all-consuming for the last 48 hours. I'll come back later.

[06:04:03] Thank you. I just wanted to, Supervisor Malek, I just wanted to say that for the record, I'm in favor of actually adding the no, of not having the cell phone towers on the ridgeline.

[06:04:23] Trying to see what questions, how they fit in, what's been said. And I'm going to go back to the beginning. You know, first of all, I obviously think that we need to match the code of Virginia. When you first introduced this, you said match the code of Virginia and recommendations of the FCC, which immediately raised, okay, they're recommendations, they're not requirements by the FCC.

[06:04:50] Sorry, so that was, for me, they're probably a requirement. I am a statewide planner. My expertise does not extend beyond the state of Virginia. Susan would probably know better than me, but I'm sure that the FCC regulations are absolutely required.

[06:05:06] Yeah. So that was more of a slip of a tongue by me. Yes. OK. OK. I just wanted to make sure I understood that. Sorry. OK. I understand the concerns about the size of our historic districts, the size of our many agricultural forestal districts.

[06:05:22] But one thing that was raised by a citizen that I thought was worth considering, and it's not in these maps because it's not on the GIS maps, but it is in maps that we have. And if we look at the biodiversity plan, action plan, there are maps that talk about critical wildlife corridors and places where there is deep forest and high protection areas.

[06:05:45] And those are areas that I look at and say, well, those would be really bad places to clear cut and put a cell tower because of the effect it would have. And so I'm not sure what level of review or how to how to delineate that.

[06:06:01] But it's just one more map that I'm worried about being omitted from this when we look at expanding out of the limiting the number of avoidance areas. I also am sympathetic to a number of concerns that were raised about setbacks from residences.

[06:06:20] But the question that I have is not so much leaving the setbacks alone, but if a setback, I guess, in any way are the setbacks related to the height of the tower?

[06:06:36] Because if you have an existing tower and you allow it to go up another 20 feet, are you somehow defeating a setback that was previously put in place? No, and Billy, you can correct me here, but I believe that was discussed at some point, but it was never incorporated, just as a best practice kind of thing.

[06:07:00] I think the answer to your question, I think that your question is, if you have a tower that's 100 feet from a property line, and they can increase it by 20 feet according to the federal regulations, can they do that? And the answer is no, because it violates the setback, and so they're not entitled to that automatic increase.

[06:07:20] That's how we've interpreted that. Okay. Okay. So we're not in danger of. So is that best practice? I mean, I'm confused about that. That's what we've been doing. That's what we've been doing. But is that best practice as to what normally is done?

[06:07:37] That's a question. I will defer to Susan. It's our recommendation, but I'll defer to Susan. Maybe she would like to elaborate further. Well, the definition of substantial change allows the industry to

increase the height of a tower by 10 on private property.

[06:08:02] These are outside of the right of way by 10 percent or 20 feet, whichever is greater, provided that they don't exceed the definition of substantial change.

[06:08:16] So they're not allowed to make a tower become a concealed facility to become a non-concealed facility if you have a – so with regards to the setback, if you have a setback from a property line and then they increase the height and they no longer meet the setback, then I would say that's a substantial change.

[06:08:44] But one of the concerns that Cityscape typically voices with regards to increasing the setbacks more than what you presently have, like if you were to go to, say, for example, two times the height of the tower, then one of the problems is that you then run the risk of creating another barrier to entry.

[06:09:15] So you have to make sure that as you move farther and farther away from the property line, are you then actually getting so far into the property where a tower can't even be placed anymore?

[06:09:34] We have seen that happen. Another concern that we have is the farther you get away from the property line, sometimes it puts the tower in the most conspicuous place. Whereas sometimes closer to the property line is where you see more of the trees and the tower can be blended in more with the trees that are around the perimeter of a site.

[06:09:57] And then thirdly, the industry wants to be as close to their subscriber base as possible. And we have seen in other communities whereby the setbacks get so far back from, say, the roadway that it becomes impractical for the industry to be able to cover the roadway with their propagation signal because the facility is back so far.

[06:10:25] So in looking at your setbacks, those are the things that we were taking into consideration, which is why we supported your existing setbacks and did not think that we needed to recommend a change.

[06:10:39] Thank you. Yeah, I'm concerned that we have one tower that's already been controversial. It's next to an historic district. It's very close to the line. It's not only pushing the setback limits, but it's also very close to the residence because the residence is close to the line.

[06:11:06] And now adding another 20 feet of height would put it to the point where it could hit the residents if it fell so, so close. But I appreciate the difficulties of trying to make one size fits all for all the different contexts in which these towers might be built.

[06:11:27] But that's one of my big concerns. I mean, I appreciate that the board shouldn't necessarily be doing this every single time, but is staff looking at it closely, listening to people and helping to guide providers to appropriate locations?

[06:11:46] In relation to your concern, does that mean that if we put in a tower that was 20 feet higher, that our setback would have to be, we'd have to change the setback standard?

[06:12:05] Within the ordinance, is that, no. Okay, so we could keep, we would keep the same setback, but any new towers could go 20 feet higher. in the in the existing and in the existing and proposed ordinance there's the one-to-one setback height to height to setback unless they that can be reduced two ways if they get an easement on the adjoining property or the board can grant a special exception to to reduce that okay so the setback has to do with the height of the tower is that what you're saying okay so okay so it's always proportional to the height of the tower except there is an absolute minimum 25 feet right

[06:12:42] So existing towers wouldn't be able to go up 20 feet higher because then they would not have that one-to-one setback. Is that correct? Unless they have an adequate setback or are able to get an easement from the adjoining property. Okay. Thank you. Thank you.

[06:12:58] That's very helpful. Supervisor Malek, you have your finger up. Regarding what you were just discussing about staff listening to people, regarding the Batesville Tower, which pops into my mind, the people at Miller School were told by the applicant, no, this is the spot we want and you can't make us move it, which was a big surprise because there were 600 acres there they could have chosen from.

[06:13:29] somewhere there's a disconnect on where the levers are to get the right choice. And someone mentioned one size fits all, which I think is the whole reason, the failure of that is the whole reason why there has been a process, to make sure that there are differences in locations.

[06:13:46] And many more of them have been approved than denied, for sure. And that we're getting the best location, the best production from the process here. yes yes in regard to that the cell phone towers well that i've worked with for my area is that we're almost we're at the mercy of the cell phone companies because if they don't want to place the tower there if you say well it has to be placed over here and they're thinking no it's not going

[06:14:22] to cover enough people we're not going to have enough income from that we need to place it over here and another location i mean we're at their mercy because then they just turn around and walk away. And that's a frustration. I'm not saying right or wrong. I'm just saying that's a frustration.

[06:14:38] Are we ready to open the public hearing? I have some more questions. And I know we're taking a long time, but I have concerns still because in our packet, there are letters that actually say small cell facility criteria in our definition does not meet the federal standards.

[06:15:05] our definition would be preempted, and it needs to be aligned with federal law. It says that very clearly. Now, maybe they're wrong, but I'm just saying. And it says that what the FCC requires in the Act of 2012 and small cell order of 2018 described in the letter on 23. So I'm very concerned that, and you said you're not an expert on federal law. No, but Susan is. So I just want

[06:15:40] to make sure that our timeline, that we are able to accommodate, that we're getting these approvals or dealing with them in the timeline that the federal law says we need to, and that we are actually following the federal guidelines. Because it's been 24 years, there's been a lot of changes, And I don't want to go through right now and make changes that we're not actually meeting federal guidelines.

[06:16:10] And I have concerns about what folks have written to us, and they are putting there. Susan has an answer. Yeah, Susan can answer. Okay. So what's interesting is that the Virginia statutes do not match the federal guidelines word for word.

[06:16:33] For example, the definition from the Code of Federal Regulation is that a small wireless facility is an antenna that is no more than three cubic feet in volume. And in North Carolina, Virginia, Florida, and some other states, that was lobbied to be changed to six cubic feet in volume.

[06:16:57] So they are correct. There are some discrepancies between the state and federal definitions. So the definition, specifically with reference to the six cubic feet versus the three cubic feet, is coming from the state definition.

[06:17:19] So if this is a question for your county attorney, which definition do you want to use? The ones from the state or the federal? I thought the federal laws always took precedent over state laws.

[06:17:39] I mean, I have never in my world that said state law take precedent over federal law. Now, maybe I don't know what I'm talking about. General Assembly didn't do their history, I guess. Well, I'm just saying. No, they didn't. The industry lobbied for some more flexibility and larger facilities, and they got it.

[06:18:01] And sometimes we put in both definitions. sometimes it's all we were i think we had a discussion early on to go with the state guidelines so we can change that and go in word for word for federal but the industry will come in and say as they do frequently when they come in for an application they cite the state statute that says that they're allowed to do x y and z so you tell me i can change that definition have it be word for word for the federal or keep it a state and you don't have to let me know now but

[06:18:41] that but that's where that discrepancy i'm sure that's probably where the discrepancies are being pointed out interesting as the person who is memorizing for his bar right now right the standard is normal a state can be more restrictive than the federal and it does not displace it but i believe here what we would be looking at is whether or not the the state law or the local law is displacing the purpose of a federal administrative act in which case the

[06:19:15] federal administrative act would supersede it um and i am turning to the actual members of the bar who specialize in this as i say this but that's the very like the nice thing about not being an expert yet is i can still explain it like a layman i think so yeah so um i i'm sorry All right. This is Steve Rosenberg, the county attorney.

[06:19:40] So I stepped out of the room at the time you all were engaged in this conversation. Are we dealing now with some of the issues that have been identified? Yeah. So I'm not prepared to address that this evening. This is, you know, as we've said, there are several reasons that the ordinance is not ready for the board.

[06:20:05] consideration this evening and so um you know my recommendation will be that the board defer action um there have been some um side conversations occurring as you all have been engaged in your discussions that if the board um defers this and to a specific date and we would

[06:20:34] suggest uh august 21st um that by deferring it to a specific date it can come back without the need to re-advertise it and in the interim you know we can address this uh preemption question and whatever we bring back in the way of a revised ordinance will address it in the manner that we believe to be appropriate. And just one more comment on that. My understanding is from reading

[06:21:10] all of this, and I'm no expert on cell towers, but that the state and federal government is consistent with their action timelines. And we've got to make sure that our timelines are being met because I understand that there's difficulty in meeting the timelines. And I could be wrong on that bill but i i just think we've got to be meeting timelines on this so without answering the question whether or not you're fed or state for the small cells right the small cells would be by right you can just build them you don't need a permit they're just permitted right so

[06:21:48] the timeline is zero day but i'm but yeah and so for the other ones uh yes there have been some issues of staff particularly with some of the administrative ones getting those done and then the timelines and doing the 10-day reviews, but our ordinance is 60 days for, it's in the ordinance. We have the 60, 90,

and 150-day reviews. And I understand that we are all busy and everything, but I think it's really important if we have these, I'm just saying. Okay, so one other question I have, so we talked about monopole colors, which I think we sort of have talked about.

[06:22:25] The placement of the cables and wiring and grounding rods, we haven't talked about those yet, right and it seems like to me we're talking about the cables and the wiring going up the outside or going down in the inside and you all didn't seem to have a recommendation part of your all's recommendation was not to deal with that i mean i'm confused about that because that seemed like a no to me but the definition of concealment of a new tower is that all personal wireless facility antennas are internal to the base station or tower

[06:23:04] and that it's designed to not be seen readily as a wireless communication facility. So if they are doing a concealed facility, then those coax cables need to be interior to the facility.

[06:23:24] Is that your question? I guess. So that means that we don't have to deal with that separately. It's accepted is what I'm hearing. That's right. Yes. And specifically on your questioning of the routing of cabling, It has always been in the ordinance that the wood, it's supposed to, on a wood pole, which obviously can't be mounted internally, it needs to be put in the least obvious orientation from view.

[06:23:51] And in the case of a metal monopole, it's routed internally. And that's in the ordinance now and remains in the ordinance. Okay. So the other is accepted practice and doesn't have to be dealt with as a separate issue. I'm talking about the placement of the cables and the wiring on the outside or the inside.

[06:24:10] We're moving with the inside, and we know that's... We're already dealing with that, yeah. Well, I mean, I'm not sure that's... Anyway, okay. All right. The board, I would like to open the public hearing at this point, and I believe we have people signed up.

[06:24:30] Thank you. Just one, no online. Okay, one online. She knows her way around the limits, but I think we can do a very quick check on your understanding of the rules.

[06:24:52] Yeah, I would say. So Valerie Long has signed up. We're going to assume that you know the rules, right? Okay, that's excellent. Yeah. Yeah, he's opened the public hearing, so come on up. I forgot my flash drive. May I get one moment to bring it up? Well, I'll just say I have a flash drive that has all those maps on it, if that would be helpful. I think I tried to email one

[06:25:27] from my laptop, but my Wi-Fi wasn't working quite the right to do it. But I have them on a flash drive. But maybe I'll just give a few comments and chat, and then I would welcome any questions from you all. You all have covered a lot. I'm Valerie Long, by the way, with the law firm of Williams-Mullen here representing several of the wireless carriers that we work with regularly.

[06:25:51] We also work with tower builders. They're not the actual providers of the service, but they build the towers for those providers. A couple of quick things in no particular order, just in response to the questions that have been raised. I would ask, and I appreciate that the ordinance will be deferred because there are a number of issues that I think could be substantially more clear to make this document more usable for the general public. I've been working with it for 24 years or 20 years, I guess, since the ordinance was adopted. And it's very confusing, just the structure of it.

[06:26:25] There's so many rules that aren't clearly stated. The only way you get to the rule is by what I call backing into several definitions and, okay, it's not this and it's not this. Well, what is that? What's eligible

support facility? What's exempt co-location? What's concealed co-location?

[06:26:44] What's a base station? It's very confusing to follow. So I think that would help quite a bit. Mr. Pruitt alluded and several of you as well to the comments from Crown Castle and other industry associations. I think that perhaps those may not have been considered very well because they were at the end of the planning commission's packet. It was an attachment of all of the public comment comments. It was a 129-page document. They were provided in order in which they were received,

[06:27:24] which I recognize is not an unreasonable way to handle that. But unfortunately, that meant that all the industry letters, including the one from Crown Castle, were at the very end of a very long list of public comment. Personally, I did not even see them until this morning. So I would suggest careful attention in particular to three letters from, sorry, do I only get three minutes?

[06:27:48] Three minutes. Three minutes ago. Anyway, I think the short answer is you should adopt the 6409 regulations as are stated in those letters. That is federal law, and the definitions this ordinance uses are not consistent, and I do not believe that the concealment's definition is legal under federal law.

[06:28:12] The avoidance area issue, I think you're clear on, I would recommend at a bare minimum removing avoid historic districts and scenic byways for the reasons we've discussed. And as I mentioned in my communications to you all, I would also suggest in response to the comment or question you had, Mr. Andrews, that I don't believe it's correct that the setbacks is prevented by the co-location extension. The federal regulations say they shall be approved co-locations up to 20 feet it doesn't say unless it violates setback regulations thank you thank you again i have lots

[06:28:48] more to share and answer questions we will uh thank you that will complete the public hearing so we'll close the public hearing um the matter is back before the board but my understanding is what we're looking for is a motion to defer but i want to check with the clerk because august 21st it's a busy busy meeting september's fine do we need to create a list of items that we agree on

[06:29:20] or that we want to make sure yeah um before we leave here so that staff and has an idea rather than coming back and rehashing all of these again i'm just saying um there was so much confusion in the presentation of the planning commission and here i would really like to think there's something Each of us can share our list with each other.

[06:29:45] I'm of the opinion that there's big boulders that can be moved today in order to prevent a second three-hour hearing, but I defer to my colleagues. Okay, well, I just want to point out that we have five public hearings currently scheduled for August 21st in the evening, and the afternoon is actually pretty full as well.

[06:30:12] So that August 21st is a difficult time for us to try to do anything that's going to require a lot of time. September 4th is more open. I would just share with the board, Chair Andrews, that it needn't be on the evening agenda.

[06:30:43] It can be on the afternoon agenda. full agenda that day as well i understand um in any event public comment it's not a public hearing but public comment must be permitted in accordance with the board's rules i understand thank you so maybe the fourth am i correct in understanding that the the driving factor that we're trying to shape this around is our requirement for advertising and notice of the ordinance and we might need to re-advertise.

[06:31:16] Am I misunderstanding that? I believe that's why we originally threw out the 2nd August. If it's not, you can defer it to us. As long as you defer it to a specific date, there's no need to re-advertise. It doesn't have to be August 21st.

[06:31:34] That's another reason why I would suggest September 4th is a better date to be deferring it to at this point. September 4th is the date would be better. But I do think we have some agreement on that we could agree to tonight and then have staff come back to us with the questions that we've asked, perhaps.

[06:31:57] Is there a list of things that our staff knows they need to focus on that we could at least go over and start from that perspective, or do we need to go through our lists instead? Bill just stood up. We've identified a couple already, and we've mentioned those to you in some of the correspondence you've gotten.

[06:32:20] The three that we've identified are the verification that what is permitted as a Tier 1 now is permitted as a Tier 1 in the new ordinance. The ability of the agent to determine the color instead of having it be specified in the ordinance, the color of the tower and equipment.

[06:32:41] And the third would be the ability of the agent to determine when a tree survey is or is not required. There are cases where a tree survey just isn't necessary or is of such minimal value as to not be necessary. That's what we do for balloon tests right now. Sometimes you can go out and you can see it. Okay, I don't need a balloon test. I can see it. Or sometimes it's just not safe.

[06:33:07] but that's the other one. What we don't know the answer to are things such as what you want to do with avoidance areas and the verification of the small cell issue. We were just looking at the federal code and the state code, and Susan is online. She can correct me. I believe the federal code is three cubic feet, and the state code is six. So the only inconsistency is that the state is more permissive than the the federal code but the state code says that a locality shall do it so

[06:33:42] well we can look into that but i think that it's it's going to be a pretty easy answer for us just want to let you know that but we'll verify that but we don't have an answer on the avoidance areas we would need guidance as to inclusion or exclusion of af district or not af districts historic historic districts scenic highways and byways and we haven't talked about conservation easements yet and you have not talked about conservation and i'd like to have that discussion as well uh so on the conservation easements i want to point out that one of the things that

[06:34:16] was in the letter we don't view the entire conservation easement what the ordinance says is it is it's evaluated against resources uh identified for protection in the conservation easement so if it was for an open space easement there's no specific resource identified that we would be evaluating the special use permit request against or any any any uh any review against but if there were a historic or if it's typically historic uh feature on a piece of property that was protected by the easement that's what we would be looking at i thought we were talking about on

[06:34:55] adjacent parcels it would be on adjacent parcels so if the adjacent property had a open had a conservation easement, but the conservation easement was for open space. There's no specifically identified resource identified for protection, so the review would stop there. But if the adjoining property was a conservation easement because there was a historic resource on the particular property and it was specifically identified for protection in the easement, then we would look at what the impact of the proposed facility would be on that particular specific identified resource

[06:35:32] then black's tavern would be an example on mirador i'm not following what you're saying exactly am i i just want to also my apologies i want to wedge in here and make sure i'm understanding it because i don't have the text of the conservation of section uh 5.1.40 in front of me but am i understanding that the adjacency evaluation that applies to conservation easements, I do follow, I think, what you're saying about distinguishing between specific discrete resources for conservation

[06:36:07] versus a conservation easement generally, although I can see how that's kind of a discretionary decision that we're making that maybe isn't explicitly codified. But am I correct in that that is still a qualitative evaluation by the reviewer it's not a a specific thing along the lines of setbacks or avoidances or correct okay correct um it talks about providing adequate opportunities for screening of the facility must be cited to minimize its visibility from adjacent parcels i'm sorry i'm reading this but to give it to you parcels and streets regardless of the

[06:36:43] distance from from the facility the facility also must be cited to minimize its its visibility from any entrance corridor overlay district state scenic river national park or national forest regardless of whether the site is adjacent to the district river park or forest if the facility be located on land subject to a conservation easement or an open space easement or adjacent to a conservation easement or open space easement the facility must be cited so that it's not visible from any resources specifically identified for protection in the deed of easement so my concern

[06:37:16] about that is i just don't think that someone who owns property with a conservation easement should be able to restrict their neighbor who doesn't who is not the owner of the property where the you see what i'm saying i i that's a property rights issue but the the the one in greenwood that i mentioned before tower was approved even though this adjacency did exist it was just considered as far as the siting was concerned. We've had actual, I mean, I guess maybe it's,

[06:37:54] but if you are a property owner and you decide to restrict your own property with a conservation easement, it does not seem like to me that you should be able to restrict your neighbors unless you buy the airspace. I'm just saying. To be clear, just so you know, this is not a proposed addition to the ordinance. The ordinance already says this. So if you'd like us to remove it we can but the ordinance has said this since 2004 well i mean that's just to let you know we didn't propose to add it i understand that that's why i'm talking about that should be one of

[06:38:29] something we should consider for removal if that's the guidance we will i mean i just don't think in this day and age it's appropriate in my opinion so can i just clarify what i think i heard i'm getting a little some of this is getting hard to follow along it is um so if if the conservation easement has a specific historic resource can i give me an example a graveyard uh how about a plantation a home house it could it could be any of those it could be any of those things if it's we'll say it's a house so what you're saying is that the current um just it can't be visible at

[06:39:09] all from the house but if it was no house just conservation easement it's open space doesn't really because there's no identified resource but there's still screening that would be involved no matter what that but no but no nothing above and beyond what we would do for any other right any other property it doesn't elevate just the added element is completely can't be seen if there's a resource specific specific identified resource and what i'm saying that i guess is i get your point i just didn't i was trying to understand the the context there you're always

[06:39:42] clear yeah i got it i'm struggling to recall the verbatim text you just said but is it that it has to be not visible or that it's the visual impact should be reduced right like those are i realize that's a yeah it sounds pedantic but that's a very dramatic difference one is a black and white dead right must be cited so that it's not visible from any resource specifically identified for protection and easement i i mentioned this just yeah so long as we're like

[06:40:15] throwing our policy feelings on the table i i follow and i i think i agree with your uh concern about property rights and restraints, but also, I mean, I will recognize that there are resources we want to protect, and I would be fine with this if it was a discretionary, qualitative thing, again, because I think the thrust that I've picked up from the community survey is that people are comfortable with county experts occasionally making discretionary decisions based on specific criteria that we've identified as important. I would be comfortable with this

[06:40:47] criteria if there was any flex to it, but as written, it sounds like there's zero flex to it. um which which is alarming right I would just any land I owned I'd say well my my house is I'm gonna make sure I write that in the deed now everyone on all the mountains around me right yeah yeah and I I'm may I jump in chair yes please I can see if you have a historic home let's say you have Mount Vernon okay and then next door someone wants to put up a

[06:41:26] a monopole. Okay, you don't want to see the monopole from Mount Vernon. I understand that. But there are different historic things that maybe I've seen in my area. It's a very, very old piece of a huge fireplace that used to be there. Okay, that's not, to me, that's not as impactful as a home, a historic home. So I think that goes to Supervisor Pruitt's question, is there any flexibility or anything um does staff have that kind of discretion i'm running

[06:42:03] through things in my mind and this is one of the things we want to take the time to think about yeah okay so possibly minimize visibility as opposed to none i just don't think a property owner who yes i won't go through it again you get what i'm saying right right but you don't want to you don't want to monopole in front of mount vernon either but we don't well it belongs on someone else's property what happens is that it comes up all the time with conservation easement properties where we there's not a mount vernon right but there may be another historic home

[06:42:42] plantation house or uh or a vineyard or i don't know what it might be i'm just i'm sorry yeah i'm just saying and you're you know what i'm talking about yes i do yes and that's concerning

[06:42:56] I don't think we've settled the avoidance area question very much, but I will just reiterate again that to the extent that we decide to open up the historic district and the scenic, that we look at wildlife corridors and not allow these in large forest blocks that are connected, which are identified in our biodiversity plan.

[06:43:28] is there a way we can see a map of that we talked about that it's in our biodiversity yeah and so that's our wildlife corridors are identified yeah with large forest blocks densely forested blocks and but a cell tower is probably not economically sensible because they're large forested blocks um but it also um would be uh detrimental so that doesn't take us back to our 46 no it does not not even close yeah did we kind of lose the the order are we doing the order we did lose the order and that's probably my fault and i'll take that but i will say that i

[06:44:08] do agree with the ridgeline p the keeping the ridgeline yeah i have no problem with the ridgeline having said that when i travel all over europe they're all over the ridgelines in europe people are quite used to seeing that would it help if we put things to a vote sometimes i find that kind of helps speed things along if we're kind of indecisive and discussion yeah and just go through all these bullet points we can do quick votes um bill has his list already i do a straw vote the votes are in it i'm still a bit confused so scenic byways we want as an avoidance area yes

[06:44:46] or no you're saying scenic byways remove it from the avoidance areas historic districts and scenic highways and byways two different things yes they are right okay okay so scenic scenic byways are not an avoidance area uh historic districts they are i'm asking what you want i'm asking for direction sorry and i will just suggest um this board does not react well in my own experience to being asked to take a a voice vote on an action that we were not expecting to take a voice vote

[06:45:25] so i might suggest that this is an ill-advised approach okay um but i appreciate what you're trying to accomplish um i think maybe it might be best if we continue around our order and voice things and staff can note uh majorities where they appear so make sure we go through the same list yep yeah so yeah bill's list is the list can we can we just get the list to start with absolutely um do we want to start with avoidance areas that's that's one

[06:45:57] um so scenic byways i believe right now it's within 200 feet okay let's go through the let's go through the whole thing so we can go quickly sorry afds is another reward sarah afds agriculture districts that was in the proposal historic districts right uh and i'm missing one bill ridgetop mountain ridgetop ridgetop good fine and i had a biodiversity oh yes and biodiversity

[06:46:30] quarters yes sir is that so if i may we can get reactions to those sure that'd be great so that's where we're i think we're okay okay on that so let's let's at least do this one um supervisor mckee okay so you want me to just go through scenic byways afd's historic district biodiversity and byways should not be an avoidance area does that help absolutely thank you very much yeah sorry i won't force you to to commit to a vote or anything i'm just trying to

[06:47:06] they should be taken out of the avoidance area thank you um what's the next afds out i guess lines okay i mean and which lines i support and biodiversity corridors i don't know enough about that can you tell us that definition i don't have the map well it's it's in our maps on the biodiversity action plan um who pages it okay mr i'm in here which um which page are you the very end of the plan. Actually, there are appendix to the plan. Oh, okay. I'm looking at the one, the map's on like page 20, but I should be opening the appendices. Yeah, it's in the

[06:47:41] appendices. Can we ask staff to pull that up for us while we're going around and doing our discussion and then we could look at, I don't know, whatever. Well, perhaps this would be something we could come back and talk about. Yeah, I think it's something if there's an interest in it and we have the staff look at it okay okay okay uh supervisor um yes so i am opposed to scenic byways i'm opposed to agricultural forestal districts i am deeply opposed to the historic district and will not vote on this if it includes historic districts as an avoidance area full stop

[06:48:17] um uh i could go either way on ridge lines um but if that is the will of the board i would be willing to accept it um and i'm interested to see more about biodiversity action areas looking at the map that i looked at which i think is the wrong one it seems to line up closely with the ridgeline area with that is that fair there's a lot of that to those yeah yeah i'm with him deeply forested yeah the hard part is i'll try

to do that i don't want to make this confusing and then i'll state where i'm at but like when we said we were going to remove the afds but keep the historic

[06:48:52] preservation area the historic preservation districts basically wiped out half of the afds because they were overlapping so even though the afd was out it was still in a different district right so that's the part that i'm trying to get back there are layered so i'm saying like like i can appreciate the point about where the shanandoah national park is but that doesn't does that mean i want to eliminate ridge areas everywhere so that's the part that's why the mapping for me is kind of interesting relative to the gaps and the reasonable nature of it.

[06:49:25] But generally speaking, I think I'm in agreement with both Supervisor Pruitt and McKeel on this. The one layer that I would put in, and I think the added time will be helpful for me to give some more thought to, is I do think, and I think Jim mentioned it for biodiversity, but Commissioner Murray also talked about more interested in historic resource than historic district so that's a nuance here that i think may the additional time may may help us take into because i think that there is some weight to historic resource versus the full district but

[06:50:00] generally speaking i would i would fall into the into what was just and in the biodiversity piece how that overlays and plays into it i'd be still wanting to understand that um uh but that that's where I'm at right now. I'm in favor of taking out from the avoidance areas AFD, the historic district, the scenic byways, keeping in the ridgeline and learning more about the biodiversity corridors because I just don't know enough about that and how it overlays and how it works.

[06:50:38] Supervisor Malik? Since I know that, well, we have not addressed the wildlife corridors and the biodiversity at all. I'm very interested in putting that language in after staff has a chance to look at it, but I do have experience with these others where towers have been approved, so I want to keep them all in if I had a vote. And I am inclined to agree that AFDs shouldn't

[06:51:13] be an avoidance area. Scenic byways, I'm on the fence, but I know we have enough consensus here. Historic districts, I think they're way too large, but I do like the idea of looking into historic resources and recognizing that maybe there are much smaller areas that need to be considered.

[06:51:35] And, of course, I'm the one who proposed looking into biodiversity corridors and would support that. Perfect. Thank you very much. We have consensus. Thank you. Yeah, sorry. I didn't mean to back you into a vote or anything like that. I appreciate it. Thank you. We're going to take a secret vote whether to eject you.

[06:51:52] I also heard some discussion about a decommissioning agreement. Was there any further discussion on that? So we can nail that down. You're decommissioning. I thought it already existed that they're required to take it down if they're not using it. Oh, sorry. It's good. Yes. Okay. Yes. I'm very much in favor of decommissioning the polls when they're done.

[06:52:11] Any others that you identify you feel? I think we're off that. I think we have good direction. So going forward, we will make these changes and then come back to you. Okay. I believe we've already closed the public hearing. So now the matter is before the board to defer, looking for a motion to defer action on this to the September 4th meeting. May I ask a question about receiving materials well in advance of September something or other so that we have time to digest this language rather than

[06:52:45] five days? Because since we're going to have extra weeks, I really hope that that will sit with us instead of on your desk. That would be very helpful. There are rules about how we can get materials before the public. And maybe leave out all the letters from everybody and their families regarding their opinion.

[06:53:07] Since we already have them. So I would move your motion. Do I need to repeat it? Which is that we would defer acting until September the 4th. I would like to second.

[06:53:22] Okay, we have a motion from Supervisor McKeel, second from supervisor Pruitt without objection or call the roll Mr. Andrews Mr. Galloway yes to defer he's still currently yes Ms. Mallett yes Ms. McKeel yes Mr. Pruitt hi thank you comment I have a question that's not related to the vote that we just took I think Bill might be the best person for this one and this is just this is a curiosity so I would be how it plays out because I don't necessarily think it's defined it would be defined in the ordinance but you had mentioned that the arb could do a certificate of appropriate uh i forgot county-wide certificate of appropriateness

[06:54:00] so if that was our intent or our desire because that doesn't necessarily get written into this ordinance i'm just curious how that do we make that request do we does the arb i mean how does that get going and doesn't just sit on a shelf for 10 years let me figure out the best way to i i you you want it done let me figure out the best way to to address that yeah if the board's will is to have it done and what is the process for that to play out i'd be i'm just curious about i think it was clear that as soon as the board settled on the ordinance then they were ready to

[06:54:32] go to town depending on their available resources it's not that they were waiting to do it it said they weren't doing it because they knew that's right board was working on this so but it doesn't mean that if the board adopts it october or september 24th they start working on it september 25th and i think that you're more along the start working on it quickly so we'll figure that out okay board this brings us to item 21 from the board committee reports and matters not listed

[06:55:08] on the agenda uh i will go around the order but remember we then we'll go into closed meeting so uh supervisor mccue i'm fine thank you supervisor pruitt uh i have nothing supervisor gallowell i'll just mention that i was really this is the first naco that i've gone to the National Association of Counties. And I've been to several of the VACO ones, but I, you know, the, the NACO, some of the information there, the, the networking and who you can connect with was incredibly valuable. And the level of information was, was high and on point in a lot of ways. Now

[06:55:44] there's some that were like, all right, we didn't get to it, or the questions periods left to be done, but the panelists are really strong. All that to say, you know, a lot of times we might, And I've heard Donna was very good at reporting back what she would hear from each of the sessions and things like that. There's so much information that I had to take away to just go back and dig into that they said consult this, consult this, consult this.

[06:56:09] But specifically on affordable housing, staff is already aware of some things I know are around some military installation stuff. But what I will do in the face of a report is items come up to discuss, maybe offer the information or ahead of time as it's an agenda-relevant item versus just dumping all of that out there.

[06:56:32] But I think there's really good, useful information, and as I see it pertinent to something that we'll be discussing on the day, I'll just shoot it out to you for, hey, check this out, type of thing, just giving you all an idea of how to share the information that we were able to take. Because Ann and I were not in any, aside from the general perceptions and things like that, we did not sit in, I guess one, we sat in on the military Sentinel landscape piece.

[06:56:57] But all the others, we've kind of in different areas. So the national conferences are usually great. And next year, it's scheduled to be in Philadelphia. So it's going to be a lot closer. Closer, right. So just heads up. We can all take the trick. We remember when we were on the school board and at the national conferences, just wonderful.

[06:57:13] Supervisor Lepister Curley? Nothing, thank you. I just will try to do a better job when I share information out as my tendency is just to send links and things. And people have said to me, you know, don't do that to me. Give me a two sentence synopsis of what to do so I know if I want to bother.

[06:57:32] So I will try to do that. But as Ned mentioned, the staff for NACO, they are lobbyists in Congress and everything is very directed to getting platforms adopted that they can use in the same way that David does with our legislative people here.

[06:57:49] But the other takeaway is how different we all are. It's like the differences in Virginia multiplied by 10,000 as far as the different perspectives. Every steering committee has people from big and small and east and west. And, you know, the east, the coast people gather together and the central people and the mountain people sort of work together.

[06:58:10] And it has been fascinating over the years to see how the different, the tenor and the different committees has evolved. And I'm sure it'll go back to the way it was back in 2008, again, depending on all the other national changes.

[06:58:27] But the Sentinel Landscapes is something I will definitely get contact from the defense person because there is financial resources available, planning resources available, which may or may pertain to work that we can use on our rural area buffer around Urbana.

[06:58:50] and the different uses that we have there. So we're always looking for ways to bring federal resources into the community to help us out. Thank you. Supervisor Pruitt, you have a motion for us to go into a closed session. And I do.

[06:59:06] Pardon me. I would like to move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2, TAC 3711, Parents A, of the Code of Virginia under Subsection 1 to discuss and consider appointments to various boards and commissions, including, without limitation, Agricultural and Forestal District Advisory Committee, Crozet Community Advisory Committee, Economic Development Authority, Historic Preservation Committee, Jefferson Area Board for Aging and Advisory and Council, Pantops Community Advisory Committee, Fiedmont, Virginia Community College Board, and Solid Waste Alternatives Advisory Committee.

[06:59:36] Second. We have a motion from Supervisor Pruitt. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Andrews? Yes. Mr. Galloway? Yes. Mr. Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Board, do we want to go out there?

[06:59:52] Do we want to just go back here? Save the walk?

[07:00:07] I knew what time it was. I just want to make that meeting unclosed. We're live. We're live. We are live.

[07:00:22] Okay, then we have a motion coming out of closed meeting. Mr. Chair, I'd like to move that the Board of Supervisors certified by a recorded vote that to the best of each supervisor's knowledge on public business matters lawfully exempted from the meeting requirements of the Virginia Freedom of Information Act identified in the motion authorizing the meeting were heard, discussed, or considered in the closed meeting. Second.

[07:00:40] We have a motion from Supervisor Pruitt, a second from Supervisor Malik, without objection if the clerk will call the roll. Mr. Andrews? Yes. Mr. Alloway? Yes. Ms. Laquisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. We have a motion coming out of those meetings?

[07:00:57] Yes, we do. I move the following persons to be appointed to committees and commissions for the Proze Community Advisory Committee. Kristen Bird, Historic Preservation Committee, Lewis Nelson, Jefferson Area Board for Aging Advisory Council, Elizabeth Boyd, Pantops Community Advisory Committee, Kate Kaminsky, Piedmont, Virginia Community College Board, Patricia Rooney-Nolton, Russell Madison Cummings,

[07:01:34] and Christy Shiflett, and Solid Wasted Alternatives Advisory Committee, Jane Mills and Zachary landsman second we have a motion from supervisor mckeel second from supervisor malik without objection if the clerk will call the rule mr andrews yes mr galloway yes mr pisto currently i miss malik yes miss mckeel yes mr pruit i board i would normally be looking to the county executive if he had anything further but we are alone here so we will we will adjourn to august

[07:02:09] 7th 2024 1pm here in lane auditorium opportunities for the public to access and participate in this meeting are posted on the albemarle county website on the board of supervisors home page 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 good night good night



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